United Nations CRPD/C/SVK/1

Convention on the Rights of Persons with Disabilities

Distr.: General
24 September 2014

Original: English

Committee on the Rights of Persons with Disabilities

Consideration of reports submitted by States parties under article 35 of the Convention

Initial reports of States parties due in 2012

Slovakia* **

[Date received: 26 June 2012]

* The present document is being issued without formal editing.
** Annexes can be consulted in the files of the secretariat.

GE.14-17017 (E)

1417017

Please recycle

Contents

		Page
I.	Introduction	4
II.	General provisions of the Convention (Articles 1–4)	5
	Article 1 – Purpose	5
	Article 2 – Definitions	6
	Articles 3 and 4 – General principles and general obligations	7
III.	Specific rights recognized in the Convention	9
	Article 5 – Equality and non-discrimination	9
	Article 8 – Awareness-raising	10
	Article 9 – Accessibility	12
	Article 10 – Right to life	19
	Article 11 – Situations of risk and humanitarian emergencies	20
	Article 12 – Equal recognition before the law	20
	Article 13 – Access to justice	22
	Article 14 – Liberty and security of the person	25
	Article 15 – Freedom from torture or cruel, inhuman or degrading treatment or punishment	27
	Article 16 – Freedom from exploitation, violence and abuse	29
	Article 17 – Protecting the integrity of the person	31
	Article 18 – Liberty of movement and nationality	33
	Article 19 – Living independently and being included in the community	34
	Article 20 – Personal mobility	39
	Article 21 – Freedom of expression and opinion, and access to information	41
	Article 22 – Respect for privacy	44
	Article 23 – Respect for home and the family	47
	Article 24 – Education	51
	Article 25 – Health	58
	Article 26 – Habilitation and rehabilitation	60
	Article 27 – Work and employment	62
	Article 28 – Adequate standard of living and social protection	68
	Article 29 – Participation in political and public life	74
	Article 30 – Participation in cultural life, recreation, leisure and sport	76

IV. Specific rights under the Convention applying to boys, girls and women with disabilities 79

Article 6 – Women with disabilities 79

Article 7 – Children with disabilities 81

V. Specific duties under the Convention 84

Article 31 – Statistics and data collection 84

Article 32 – International cooperation 87

Article 33 – National implementation and monitoring 88

I. Introduction

1. Slovakia presents to the United Nations Committee on the Rights of Persons with Disabilities the following comprehensive report on measures adopted for the implementation of obligations under the Convention on the rights of persons with disabilities and on the progress that has been made in this regard in the two years since the Convention entered into force for the Slovak Republic. The report has been prepared in accordance with the guidelines of the Committee on the Rights of Persons with Disabilities for the Convention-specific document.

2. The National Council of the Slovak Republic has approved the Convention on the Rights of Persons with Disabilities and decided that it is an international treaty that has priority over national laws pursuant to Article 7(5) of the Constitution of the Slovak Republic. The President of the Slovak Republic ratified the Convention on 28 April 2010 and the instrument of ratification was deposited with the depositary, the Secretary-General of the United Nations, on 26 May 2010. The Convention entered into force for the Slovak Republic on 25 June 2010 in accordance with Article 45(2).[1]

3. After depositing the instrument of ratification, the Slovak Republic entered a reservation to Article 27(1)(a) of the Convention on the Rights of Persons with Disabilities in accordance with Article 46 thereof.

Report structure

4. Despite the fact that the issue of the establishment of a focal point has not yet been resolved, the Ministry of Labour, Social Affairs and Family of the Slovak Republic has compiled and prepared all the material for the comprehensive report. In view of the need to process a large quantity of material and also in order to ensure that every institution submitted material in a standard structure and gave attention to each article of the Convention individually, a contact person was appointed for every ministry or institution with responsibility for the collection and preparation of materials for the planned national report. During preparation of the report, special working meetings were held with representative of participating institutions and a representative of persons with disabilities (the president of the Slovak Disability Council). The Slovak Disability Council, a civic association made up of citizens with various types of disabilities, was asked to contribute to the national report, even though it is preparing its own shadow report on the Convention. Furthermore, all non-governmental organisations, in particular organisations of persons with disabilities, will have the opportunity to comment on this document during review proceedings.

5. The following institutions were contacted during preparation of the report: The Ministry of Transport, Construction and Regional Development of the Slovak Republic, the Ministry of Finance of the Slovak Republic, the Ministry of Economy of the Slovak Republic, the Ministry of Culture of the Slovak Republic, the Ministry of Defence of the Slovak Republic, the Ministry of Agriculture and Rural Development of the Slovak Republic, the Ministry of Justice of the Slovak Republic, the Ministry of Education, Science, Research and Sport of the Slovak Republic, the Ministry of Interior of the Slovak Republic, the Ministry of Foreign Affairs of the Slovak Republic, the Ministry of Health of the Slovak Republic, the Ministry of the Environment of the Slovak Republic, the Office of the government of the Slovak Republic, the Committee for persons with disabilities of the

[1] Notice No. 317/2010 Z.z. of the Ministry of Foreign Affairs of the Slovak Republic.

Government council for human rights, national minorities and gender equality, the Office of the public ombudsman, the government plenipotentiary for the Roma community, the government plenipotentiary for information society, the government plenipotentiary for local government, integrated land and water management, the government plenipotentiary for knowledge economy, the government plenipotentiary for the development of civil society, the Personal Data Protection Office, the General Prosecutor's Office of the Slovak Republic, the Statistical Office of the Slovak Republic, the Slovak National Centre for Human Rights, the office of the World Health Organization in the Slovak Republic, the Union of Towns and Cities of Slovakia, the Slovak National Centre for Human Rights, the SK 8 Association, the Confederation of Trade Unions of the Slovak Republic, the Federation of Employers' Associations of the Slovak Republic, the National Union of Employers, the Association of Towns and Communities of Slovakia, the Citizen, Democracy and Accountability civic association, the Council for Broadcasting and Retransmission, the Health Care Surveillance Authority and the Institute for Public Affairs.

6. The report has been prepared according to the guidelines of the United Nations Committee on the Rights of Persons with Disabilities. It comprises 5 parts (Introduction, General provisions of the Convention, Specific rights recognised in the Convention, Specific rights under the Convention applying to boys, girls and women with disabilities, Specific duties under the Convention) and annexes.

Optional protocol

7. The National Council of the Slovak Republic has approved the Optional Protocol and decided that it is an international treaty that has priority over national laws pursuant to Article 7(5) of the Constitution of the Slovak Republic. The President of the Slovak Republic ratified the Optional Protocol on 28 April 2010. The instrument of ratification was deposited with the depositary, the Secretary-General of the United Nations, on 26 May 2010. The Optional Protocol entered into force for the Slovak Republic on 25 June 2010 in accordance with Article 13(2).[2]

II. General provisions of the Convention (Articles 1–4)

Article 1 – Purpose

8. The law of the Slovak Republic does not have a unified definition of a "disability".

9. The Social Insurance Act[3] uses the term "unfavourable health condition". According to Section 71(2) a "long-term unfavourable health condition" is a health condition that causes a reduction in the ability to perform gainful activity lasting longer than one year. The reduction in the ability to perform gainful activity is assessed by a comparison of the physical, cognitive and sensory abilities of the person with a long-term unfavourable health condition and the physical, cognitive and sensory abilities of a healthy individual.

10. The Act on Employment Services[4] uses the term "disability". Under Section 9(1) a citizen with disabilities is a citizen recognised as disabled under applicable legislation.[3] Under section 9(2) a citizen proves disability and the percentage reduction in their ability to perform gainful activity due to a physical, cognitive or behavioural impairment by means of

[2] Notice No. 318/2010 Z.z. of the Ministry of Foreign Affairs of the Slovak Republic.
[3] Act No. 461/2003 Z.z. on social insurance, as amended.
[4] Act No. 5/2004 Z.z. on employment services and on the amendment of certain acts, as amended.

a decision or notice of the Social Insurance Agency or an assessment by the social security unit in accordance with applicable regulations.

11. The Labour Code[5] uses the term "disability" Under Section 40(8) of the Labour Code, for the purposes of the act an employee with a disability is an employer recognised as being disabled under applicable legislation[3], who submits a decision on disability benefit to his or her employer.

12. The Act on cash benefits to compensate for severe disability[6] uses the term "severe disability". Section 2(3) defines a severe disability as a disability that produces a functional impairment of at least 50%. For the purposes of this act, a functional impairment is a deficiency in a physical ability, sensory ability or cognitive ability that is expected to last more than twelve months based on the forecast development of the disability.

13. Under Section 2(l) of the Act on upbringing and education[7] a child with disabilities or a pupil with disabilities is a child or pupil with a mental impairment, hearing impairment, visual impairment, physical impairment, impaired communication skills, autism or a pervasive developmental disorder or multiple disabilities.

Article 2 – Definitions

14. The anti-discrimination act[8] provides the general framework for the application of the principle of equal treatment. It defines in particular its fundamental terms such as the principle of equal treatment and discrimination (direct, indirect, sexual harassment, an instruction to discriminate, incitement to discriminate and victimisation), it defines the persons who are obliged to comply with the principle of equal treatment, specifies the areas in which there is a duty to comply with the principle (in particular the areas of social security, health care, the provision of goods and services, education and employment) and within these areas identifies the grounds on which the principle of equal treatment shall be upheld. It also lays down exceptions from the principle of equal treatment and the particulars of the possibilities for recourse to the courts in the event of its violation.

15. Compliance with the principle of equal treatment is defined not only as the prohibition of discrimination on any grounds (sex, religion or belief, race, membership of a nationality or ethnic group, disability, age, sexual orientation, marital status and family status, skin colour, language, political or other opinion, national or social origin, property, lineage or other status), but also the exercise of rights and duties in accordance with accepted principles of morality. The act deems compliance with the principle of equal treatment to include preventative measures on the part of all subjects that have a duty of compliance in the areas regulated by the anti-discrimination act[8] – i.e. state administration bodies, local authorities, self-governing interest associations, natural persons and legal entities. Preventative measures are measures that protect against discrimination if it is possible to require the adoption of such measures according to the specific circumstances and possibilities available to the persons obliged to comply with the principle of equal treatment.

---

[5] Act No. 311/2001 Z.z. the Labour Code, as amended.

[6] Act No. 447/2008 Z.z. on cash benefits to compensate for the severe disability and on the amendment of certain acts, as amended.

[7] Act No. 245/2008 Z.z. on upbringing and education (the schools act) and on the amendment of certain acts, as amended.

[8] Act No. 365/2004 Z.z. on equal treatment in certain areas and on protection against discrimination and on the amendment of certain acts.

16. Other acts that establish a duty to comply with the principle of equal treatment extend the grounds that cannot be grounds for discrimination and some also establish additional means of legal recourse.

17. The legal concept of reasonable accommodation is based on the anti-discrimination act.[9] Under this act, employers are required to take measures to allow a person with disabilities access to a certain form of employment, to perform certain activities in employment, to functional or other advancement in employment and to vocational education. This duty shall not apply if employment would constitute an undue burden for the employer.

Articles 3 and 4 – General principles and general obligations

18. A number of changes affecting various areas of social life have been made in the Slovak Republic in the period in question pursuant to international treaties and conventions ratified and adopted by the Slovak Republic.

19. In 2001 the government adopted a comprehensive measure entitled the "National programme for the development of the living conditions of citizens with disabilities in all areas of life".[10] The National programme is a systematic step towards the creation of a process for the gradual, conceptual solution of a number of problems in the life of persons with disabilities including the creation of conditions to prevent disabilities, their timely diagnosis and treatment, registration and reasonable integration into social and working life. The aim is to create equal opportunities and integrate persons with disabilities into the life of society. At present a new programming document is being drafted under the working title "National programme for the development of the living conditions of persons with disabilities" whose main areas will be based on the structure of areas in the United Nations Convention on the Rights of Persons with Disabilities.

20. The government has adopted the National strategy for the prevention and elimination of domestic violence against women and in families[11] and the National action plan for the prevention and elimination of violence against women for the period 2009-2012.[12] In 2011 the government discussed and approved the Interim report on fulfilment of the National action plan for the prevention and elimination of violence against women for the period 2009-2012 and updated tasks. In 2011 preparations were made for a national project under the Operational Programme Employment and Social Inclusion, Support for the prevention and elimination of violence against women.

21. To support independent living and the integration into social life of persons with disabilities, the government adopted the "Strategy for the deinstitutionalisation of the system of social services and substitute care in the Slovak Republic"[13] on 30 November 2011.

22. On 14 December 2011 the Ministry of Labour, Social Affairs and Family of the Slovak Republic approved the "National action plan for the transition from institutional to

[9] Section 7 of Act No. 365/2004 Z.z. on equal treatment in certain areas and on protection against discrimination and on the amendment of certain acts (the Anti-discrimination Act), as amended.

[10] Adopted by government resolution No. 590/2001.

[11] Adopted by government resolution No. 1092/2004.

[12] Adopted by government resolution No. 438/2009.

[13] http://www.employment.gov.sk/strategia-deinstitucionalizacie-systemu-socialnych-sluzieb-a-nahradnej-starostlivosti-v-Slovakia.html

community care in the social services system for the period 2011 to 2015".[14] The "National project to support the deinstitutionalisation of social care services" is currently in preparation with the aim of implementing the pilot transformation and deinstitutionalisation of selected social services facilities in the Slovak Republic.

23. In January 2009 the government approved the National action plan for children for the period 2009-2012.[15]

24. There have also been significant changes in the education of children with disabilities and the system of psychological, special educational needs and upbringing guidance in the area of education – the possibility for education using education programmes for children and pupils with disabilities included in the state education programmes, the introduction of a category of specialist employees, their activities in schools and school counselling centres, the creation of resource centres providing specialist methodological assistance and technical resources for specific types and levels of disability to the specialist employees working schools and special educational needs counselling centres.

25. To promote gender equality and the elimination of discrimination a National strategy for gender equality for the period 2009-2013[16] was produced and further elaborated in the National action plan for gender equality for the period 2010-2013.[17]

26. To promote the integration of foreigners, disadvantaged foreigners, foreigners with disabilities, unaccompanied minors and also to promote the elimination of discrimination, the government of the Slovak Republic has approved the concept for the integration of foreigners in the Slovak Republic.[18]

27. In 2011 a Committee for persons with disabilities[19] (the "Committee") was established as a part of a permanent advisory body of the government of the Slovak Republic. It is made up of two separate chambers in which membership is based on the principle of parity; the members of the chamber of the committee for non-governmental organisations represent six disability groups.[20] The Committee's priority is to prepare a comprehensive programming document defining national obligations to persons with disabilities – the new National programme for the development of the living conditions of persons with disabilities, whose structure will reflect the Convention on the Rights of Persons with Disabilities.

28. There continue to be cases in which state administration authorities responsible for the creation and application of legislation and policies for the implementation of the Convention and decisions on issues affecting persons with disabilities do not cooperate and do not consult on proposals with persons with disabilities or their representative organisations.

[14] http://www.employment.gov.sk/strategia-deinstitucionalizacie-systemu-socialnych-sluzieb-a-nahradnej-starostlivosti-v-Slovakia.html

[15] http://www.employment.gov.sk/rod-a-soc-politika-socialnopravna-ochrana-deti-a-socialna-kuratela.html

[16] www.gender.gov.sk/index.php?id=670

[17] www.gender.gov.sk/index.php?id=670

[18] http://www.employment.gov.sk/integracia-cudzincov-dokumenty.html

[19] Government resolution No. 158 of 2 March 2011.

[20] Mental disabilities, chronic illnesses, mental and behavioural disorders, hearing impairment, visual impairment, physical disability.

III. Specific rights recognized in the Convention

Article 5 – Equality and non-discrimination

29. The Slovak Republic has seen positive development and progress in the protection of human rights and compliance with human rights legislation. Legislative, institutional and procedural mechanisms for human rights protection in the Slovak Republic meet the highest European standards and guarantee persons with disabilities equal and effective legal protection against all forms of discrimination, including the provision of reasonable accommodation.

30. Pursuant to Article 12(2) of the Constitution, of the Slovak Republic[21] fundamental rights and freedoms are guaranteed to all in the territory of the Slovak Republic regardless of sex, race, skin colour, language, faith, religion, political or other opinions, national or social origin, membership of a national or ethnic group, property, lineage or other status. No one shall be harmed, disadvantaged or discriminated against on these grounds. The term "other status" includes disability.

31. An important legislative change in connection with the protection of human rights and equal treatment was the passing in 2004 of the Act on equal treatment in certain areas and on protection against discrimination (the "anti-discrimination act").[8] The act establishes a generally applicable principle of equal treatment based on the prohibition of discrimination on demonstratively specified grounds (on the grounds of disability, Section 2a(11)(d)) and which applies in all areas regulated by the anti-discrimination act (employment and equivalent legal relations, social security, education, health care, provision of goods and services). It includes a definition of direct discrimination, indirect discrimination, harassment, an instruction to discriminate, incitement to discriminate and victimisation. The act does not recognise as discrimination unequal treatment that is objectively justified by the character of activities performed in employment or the circumstances in which such activities are carried out, if their extent or the form of the unequal treatment is proportional and necessary in relation to the activities or circumstance in connection with which it is applied.

32. Provision for temporary balancing measures intended to eliminate forms of social and economic disadvantage resulting from disability in order to achieve de facto equality of opportunity is laid down in Section 8a of the anti-discrimination act.

33. The anti-discrimination act[8] gives specific content to the provisions of the Constitution of the Slovak Republic on equality and non-discrimination as well as international treaties. It is the result of the need to guarantee protection for the subjects of law against all forms of discrimination based on the broadest and most open set of grounds, which enables injured parties to claim adequate and effective judicial remedies, including compensation for material and non-material damage. The amount of compensation for non-material damages shall be set by the court based on the extent of the non-material damage caused and all circumstances involved in its occurrence. The Act also enshrines the principle that the burden of proof is borne not by the injured party but the discriminating subject,[22] i.e. the defendant; it also permits claims for protection against discrimination to be settled through mediation. At the same time as the introduction of the anti-discrimination

[21] Constitution of the Slovak Republic No. 460/1992 Zb.

[22] Under Section 11(2) of the anti-discrimination act "the defendant shall prove that they did not violate the principle of equal treatment if the plaintiff presents to the court evidence according to which there are grounds to believe that a violation of the principle of equal treatment took place".

act, twenty related laws were amended (e.g. the act on the prosecution service, the act on health care, the schools act, the higher education act, the act on the socio-legal protection of children and social rehabilitation, the social services act, the act on cash benefits to compensate for severe disability, the trades licensing act, the act on employment services, the social insurance act...).

34. An integral part of the adopted anti-discrimination act[8] was the extension of the competence of the Slovak national centre for human rights to include monitoring of the principle of equal treatment, the collection and provision of information on racism, xenophobia and anti-Semitism in Slovakia, the provision of legal aid to the victims of discrimination and expressions of intolerance and the publication of expert standpoints on matters relating to compliance with the principle of equal treatment. It is an independent legal entity on the national level with competence in multiple areas.

35. Anyone who believes that their basic rights and freedoms have been violated in the proceedings, decisions or inactivity of a public administration authority contrary to the law or the principles of a democratic state and the rule of law can have recourse to the ombudsman. In Slovakia, the ombudsman is an independent constitutional body that protects the fundamental rights and freedoms of natural persons and legal entities in proceedings before public administration authorities and other public authorities in the extent and according to the methods laid down by the act on the ombudsman.

36. The Ministry of Culture of the Slovak Republic creates conditions for the development of instruments that promote human rights in the area of culture, that promote equal treatment and non-discrimination, that eliminate prejudices, stereotypes and information barriers to culture for disadvantaged sections of the population and the elimination of all forms of violence; these instruments also support temporary balancing mechanisms. For the purposes of achieving this objective a subsidy system has been set up – the subsidy programme Culture for disadvantaged sections of the population, which is aimed in particular at support for making culture accessible to vulnerable groups and to promote equal opportunities and prevent discrimination. Subjects involved in providing for the cultural needs of persons with disabilities can apply for support from the subsidy programme.

37. Funding was provided from financial mechanisms operated by the Office of the government of the Slovak Republic for the project "Together against discrimination against people with mental disabilities" run by the Association for the assistance of people with mental disabilities the Slovak Republic. The aim of the project was to promote equal access to basic human and civil rights and to create an instrument to minimise discrimination in the decision-making of people with mental disabilities. The total amount used was EUR 69 144.25.[23]

Article 8 – Awareness-raising

38. The Committee for persons with disabilities, as a permanent expert body of the Government council for human rights, national minority and gender equality, at the initiative of members of the chamber of the committee for non-governmental organisations, organised a meeting of the committee dedicated to the topic of the Convention on the rights of persons with disabilities in cooperation with the Office of the World Health Organization in Slovakia in the first quarter of 2012.

[23] http://eea.osf.sk/priority_antidiskriminacia.html

39. The education of cultural workers on support for cultural rights and equal treatment takes place through the activities of the National Cultural Centre – an organisation controlled by the Ministry of Culture of the Slovak Republic. It acts as the methodological and information centre for regional cultural centres, which regularly provide space for issues relating to the culture of citizens with disabilities. Training is provided through the specialist journal National Culture, which regularly publishes information on activities supporting equal opportunities for disadvantaged sections of the population to access culture, which is aimed at people working in the area of culture.

40. The long-term projects of the Ministry of Education, Science, Research and Sport include education of young people on human rights carried out through the ministry's subsidised organisation in the area of education – IUVENTA. The activity "The traditional living library" has been run since 2009. People with disabilities act as "living books" to provide young people with information on their lives.

Year	*2010*	*2011*
Total number of participants	263	253
The number of "living books" presenting persons with disabilities/ the total number of "living books"	6/20	7/20

41. The methodological guide "Living Books" or "Letting books speak"[24] is aimed at youth workers, young leaders, teachers and educators. It was published in 2010 with a print run of 2 000 copies and is distributed to interested parties and at IUVENTA activities relating to human rights education for young people. In 2011 a specific call was issued for partners interested in spreading this instrument in the regions. Cooperation was established with 10 organisations, which prepared further regional "living libraries" with support from IUVENTA.

Year	*2011*
Total number of participants	193
The number of "living books" presenting persons with disabilities/ the total number of "living books"	7/21

42. Heightened awareness and a more positive attitude of the majority population to persons with hearing impairments are promoted through publications in specialised and popular educational periodicals and appearances in the mass media, in particular in Television club for persons with hearing disability broadcast by Radio and Television Slovakia.

43. The Ministry of Health of the Slovak Republic issued professional guidelines[25] for public information in July 2011 laying down procedures for doctors when providing information to the parents or legal representative of children with disabilities and emphasising the importance of involving parents in upbringing, psychological and special needs education assistance and prevention programmes run by special needs education centres. In 2011 a number of working meetings were held with organisations of citizens with disabilities in the Slovak Republic and representatives of the Association for the protection of patients' rights (the Multiple Sclerosis Association, Hope, the Association of Dialysis and Transplant Patients). These meetings included consultation on the adoption of

[24] *Nechajme knihy rozprávat'* (Letting books speak). IUVENTA:Bratislava, *source*: http://www.iuventa.sk/files/ziva%20kniznica_publikacia.pdf.

[25] Vestník MZ Slovakia (Journal of the Ministry of Health), Part 17, Volume 59.

certain government materials and dealt with the current problems of persons with disabilities. The Ministry of Health published the conclusions of the working meetings on its website.[26]

44. Funding from financial mechanisms managed by the Office of the government (the EEA Financial Mechanism and the Norwegian Financial Mechanism – EEA FM and NFM, the Swiss-Slovak Cooperation Programme) supported the project "Examples of goods practice – support for deinstitutionalisation in the social sector" carried out by the civic association "the Supported Employment Agency". The aim of the project was to increase public awareness of the rights of citizens with disabilities to equal treatment when seeking work in the open labour market (2006-2009). The total amount used was EUR 36 157.62.[27]

45. The Slovak Republic has helped to raise awareness of the Convention on the Rights of Persons with Disabilities and its implementation by cosponsoring resolutions connected with the rights of persons with disabilities in the United Nations Human Rights Council and the General Assembly of the United Nations.

Article 9 – Accessibility

46. The most important rules, principles and requirements ensuring the accessibility of the physical environment and buildings in Slovakia on an equal basis are enshrined in the building act[28] and the decree establishing particulars of the general technical requirements for construction and the general technical requirements for buildings used by persons with impaired movement and orientation.[29] The provisions of the building act establishing basic requirements for buildings are derived from the EU regulation laying down harmonised conditions for the marketing of construction products.[30]

47. The accessibility of railway services for persons with disabilities is regulated by the EU regulation on rail passengers' rights and obligations.[31] Pursuant to the regulation, the railway companies create permanent space for the integration of persons with disabilities into social life, in particular through the following activities:

- Maintenance of social discounts on passenger rail fares;
- In the modernisation and automation of the railways and the reconstruction of station buildings and platforms, visual and automated voice information systems will be installed in railway stations and at halts to provide information to the travelling public. These information systems will provide up-to-date information on the movement of trains (arrivals, departures, possible transfers, delays etc.) for passengers and people who are waiting and on operational and safety measures affecting travel;

[26] http://www.health.gov.sk/Titulka

[27] http://eea.osf.sk/priority_antidiskriminacia.html

[28] Act No. 50/1976 on land use planning and the building code (the building act), as amended.

[29] Decree No. 532/2002 Z.z. establishing the particulars of general technical requirements for construction and the general technical requirements for buildings used by persons with reduced mobility and orientation.

[30] Regulation (EU) No 305/2011 of the European Parliament and of the Council of 9 March 2011 laying down harmonised conditions for the marketing of construction products and repealing Council Directive 89/106/EEC.

[31] Regulation (EC) No 1371/2007 of the European Parliament and of the Council of 23 October 2007 on rail passengers' rights and obligations.

- The passenger rolling stock of Železničná spoločnosť Slovensko, a.s. is currently being renovated and within two years a fifth of all regional and local trains on Slovak railways will have been replaced. The new trains have low floors with multifunctional space for wheelchair users; they are also equipped with an information system;

- At present, besides the ongoing projects to modernise the railway lines, a project is also being undertaken "Making rail transport accessible to persons with reduced mobility". The object of the project is the purchase of 40 lifting platforms for passengers with reduced mobility, including provision for access, hygiene and operation of the platforms. These platforms will be installed throughout the territory of the Slovak republic in every region. The project should be completed in 2015.

48. In the case of newly built, modernised and reconstructed railway stations and halts, the railway companies comply with applicable legislation, standards and internal regulations on matters that affect persons with disabilities. Persons with disabilities are participants in building proceedings relating to new construction, modernisation and reconstruction projects.

49. The practical measures to be taken to transport persons with disabilities are specified in the internal regulation of Železnice Slovenskej Republiky Z 15 "Rules for operational information". The operating regulations of individual stations include provisions on how persons with disabilities shall board and get off trains in accordance with the Rules for the preparation of operating regulations[32] (e.g. access routes and crossings designated for persons with disabilities, the possibility to use lifts...) Trains with carriages for passengers with disabilities are marked in timetables with a wheelchair pictogram and are also included in a specific list.[33]

50. In the last four years the needs of persons with disabilities have been taken into account in numerous projects (modernisation of the railway line Žilina – Krásno nad Kysucou, modernisation of the railway line Bratislava Rača – Nové Mesto nad Váhom, reconstruction of the railway line Podunajské Biskupice – Dunajská Streda).

51. Turning to road transport, in November 2011 there entered into effect the technical regulation "Developing measures to make public thoroughfares more accessible for persons with reduced mobility and orientation",[34] which sets out the methodology for developing measures to improve accessibility, defines requirements for measures intended to make public thoroughfares more accessible for persons with reduced mobility and orientation and provides sample diagrams of measures to increase accessibility for persons with reduced mobility and orientation describing and giving reasons for the specific measures used.

52. The issue of non-discrimination and the exercise of the rights of persons with disabilities and persons with reduced mobility in water transport is regulated by the EU regulation concerning the rights of passengers when travelling by sea and inland waterway[35] and international European standards.

---

[32] Slovakia 1022 "Rules for the preparation of operating regulations". http://fpedas.utc.sk/~gasparik/SLOVAKIA%201022%20tlac%5B1%5D.pdf

[33] www.slovakrail.sk

[34] TP 10/2011 – Developing measures to make public thoroughfares more accessible for persons with reduced mobility and orientation.

[35] Regulation (EU) No 1177/2010 of the European Parliament and of the Council of 24 November 2010 concerning the rights of passengers when travelling by sea and inland waterway and amending Regulation (EC) No 2006/2004 2006/2004.

53. On 13 May 2009 the government of the Slovak Republic approved a document "National policy for electronic communications for the years 2009-2013".[36] In accordance with the National policy for electronic communications for the years 2009-2013 and the Strategy for the transition from analogue to digital terrestrial television and radio broadcasting in the Slovak Republic[37] terrestrial television broadcasting made the transition to digital broadcasting in 2011. Digital technology provides opportunities for persons with disabilities to benefit more from television than was possible in the case of analogue broadcasting. Digital broadcasting permits the use of hidden subtitles and spoken commentaries and greater functionality in the form of electronic programme guides. In accordance with the digital broadcasting act, during the transition to digital broadcasting[38] (from 15.03.2011 to 31.08.2011) the Ministry provided a lump sum grant for the purchase of equipment to receive digital television in the territory of the Slovak Republic regardless of reception platform. Grant applications could be submitted by persons with severe disabilities who were recipients of material need assistance, or a person jointly assessed with a recipient.

54. In 2010, the Ministry of Transport, Construction and Regional Development of the Slovak Republic conducted a research project "Use of DVB-T for persons with visual and hearing impairments", which analysed potential ways to make it easier for people with hearing impairments and visual impairments to access digital television services in Slovakia.

55. The status of persons with disabilities is also regulated in the act on electronic communications[39] (since 1 November 2011). In some matters relating to consumer relations in electronic communications the act makes provisions for the needs of persons with disabilities. In particular it extends the duty of firms that provide electronic communications services to provide information to persons with disabilities on services that are intended for them and requires them to take measures to ensure that end users with disabilities have equal access to services. It is also possible for the Telecommunications Regulatory Authority of the Slovak Republic to set a requirements to provide information free of charge to check costs for electronic communication services provided to a customer with disabilities. In the case of a universal service, the Telecommunications Regulatory Authority can set a requirement to lease or sell, at the request of a customer with disabilities, one specially equipped telecommunications device that is accessible to the customer for the same price as a standard telecommunications device, and to ensure the accessibility of public telephones.

56. In accordance with the convention of the Universal Postal Union,[40] Slovenská Pošta, a. s. provides a free domestic and international postal service for blind and partially-sighted persons sending letters labelled as "mail for the blind" weighing up to 7000 g. The contents of such letters can be documents written in Braille or using the Klein system (Latin characters in dotted relief), plates with characters for the blind, audio records on electromagnetic or optical media, individual papers for the blind provided that they are submitted by an institution for the blind or addressed to such an institution. Slovenská Pošta provides all monetary services and payment of benefits to persons with disabilities via a postman/postwoman subject to agreement.

[36] http://www.rokovania.sk/File.aspx/ViewDocumentHtml/Mater-Dokum-53921?prefixFile=m_

[37] http://www.rokovania.sk/File.aspx/ViewDocumentHtml/Mater-Dokum-127213?prefixFile=m_

[38] Section 67(4) of the digital broadcasting act.

[39] Act No. 351/2011 Z.z. on electronic communications (previously Act No. 195/2000 Z.z. on telecommunications).

[40] Notice of the Ministry of Foreign Affairs No. 50/2010 on the adoption of the Acts of the Universal Postal Union.

57. Under the social services act,[41] a provider of social services is shall ensure the quality and accessibility of services an compliance with all applicable technical requirements for construction and applicable technical requirements for buildings used by natural persons with impaired movement and orientation pursuant to the act on land use planning and the building code (the building act)[28] and compliance with requirements for the internal environment of buildings and the minimum requirements for lower standard housing and for accommodation pursuant to the act on the protection, support and development of public health.[42]

58. Fulfilment of the above criteria is one of the criteria that a social service provider must fulfil for registration in the register of social service providers under the social services act.[43] In view of the shortage of funds in the area of social services, the deadline for compliance with the above general technical requirements has been extended to 31.12.2015 for providers that provided a social service before the social services act came into force (the end of 2008). Providers that do not yet meet all accessibility requirements will implement them gradually.

59. For the purposes of ensuring greater accessibility in social services facilities, the law on subsidies permits the Ministry of Labour, Social Affairs and Family to provide subsidies[44] for increasing accessibility in facilities and for the purchase of equipment to improve handling of persons with reduced mobility.

60. In 2009 the Ministry of Labour, Social Affairs and Family provided subsidies to increase accessibility in facilities and improve the handling of persons with reduced mobility amounting to approximately EUR 442 000; in 2010 such assistance amounted to approximately EUR 384 000 and in 2011 to EUR 469 000.

61. Pursuant to Section 44 of the social services act, an interpreting service is provided for persons who require sign language interpreting, oral interpreting and tactile interpreting. A care service (Section 41) can provide reading services for blind and partially sighted persons and interpreting for a deaf, persons with hearing disability and deaf-blind person, in particular in handling official matters, correspondence, when shopping, visiting a doctor or participating in hobbies.

62. A natural person who is blind or partially-sighted or a person with mental disabilities can receive a guide and reading service (Section 43 of the social services act).

63. Due to the low number of providers of interpreting, guide and reading services and the low amounts that higher-tier territorial Units budget for such services, the availability of these social services in Slovakia remains inadequate. At present there are 11 registered providers of interpreting services and 1 provider of guide and reading services in Slovakia. Information on the number of persons to whom these social services are provided is not available.

64. Pursuant to Section 52 of the social services act, a natural person who has an unfavourable health condition can receive the social service "Monitoring and signalling of the need for assistance", which is provided by means of continuous remote voice, written or

[41] Section 9 of Act No. 448/2008 Z.z. on social services and on the amendment of Act No. 455/1991 Zb. on trade licensing (the Trades Licensing Act) as amended, as amended.

[42] Act No. 355/2007 Z.z. on the protection, support and development of public health and on the amendment of certain acts, as amended.

[43] Section 64 of Act No. 448/2008 Z.z. on social services and on the amendment of certain acts, as amended.

[44] Section 3(1)(f) of Act No. 544/2010 on subsidies within the competence of the Ministry of Labour, Social Affairs and Family of the Slovak Republic.

electronic communication with a natural person via signalling or audiovisual equipment connected to a control centre, which provides appropriate assistance in response to a signal indicating a need for help. This social service is very progressive and allows people to remain as long as possible in a familiar environment without danger to their health or life. In view of the high start-up costs for providing this social service, it is not at present sufficiently widespread or accessible in Slovakia. Six organisations operate this service in five (out of eight) self-governing regions. Information on the number of persons to whom this social service is provided is not available.

65. The obligations resulting from this article of the Convention have also been incorporated into the act on cash benefits to compensate severe disability,[6] in particular through the provision of an allowance for personal assistance (in the form of sign language interpreting, oral interpreting, tactile interpreting, communication mediation for people with hearing impairments and deaf-blind people and reading for the blind) and also through the provision of a cash allowance for transport, a cash allowance for the acquisition of aids, a cash allowance for the purchase of a car, a cash allowance to compensate for increased expenditure to operate a car, a cash allowance for the purchase of lifting equipment, a cash allowance for the modification of a flat, a cash allowance for the modification of a family house and cash allowance for the modification of a garage.

66. The Committee for persons with disabilities ensures that all its meetings take place in accessible premises, that sign language interpreting is provided for persons with hearing disability and that materials for discussion are provided in accessible electronic formats for blind and partially sighted persons.[45]

67. In the area of responsibility of the Ministry of Justice, the Legal Aid Centre established in 2006 provides a wide range of legal aid services for people in an unfavourable financial and social situation (ranging from legal advice to representation in court by a lawyer from the centre or an external advocate, or the settlement of disputes via mediation where appropriate). An important means for increasing the accessibility of legal aid for people with disabilities is the provision of legal advice by email in accordance with Methodological instruction No. 1/2011 of the Legal Aid Centre, issued in April 2011. People with disabilities can contact the Centre via its email address[46] to ask specific questions for guidance on issues of law and how to resolve legal problems. The Centre has offices throughout Slovakia which are accessible for persons with disabilities.

68. As the central state administration authority for courts and prisons, the Ministry of Justice instructs the heads of courts to ensure access to court buildings in accordance with the decree of the Ministry of the Environment establishing particulars of the general technical requirements for construction and the general technical requirements for buildings used by persons with impaired movement and orientation;[29] if it is not technically possible to ensure access, the court shall ensure that members of the Prison and justice administration service provide assistance and establish training and internal regulations for such assistance.

69. The Judicial Academy of the Slovak Republic respects all applicable provisions of the freedom of information act in its internal management acts. The website of the Judicial Academy[47] is fully able to provide relevant information to the visually impaired thanks to special functionality of the website and its settings. Measures have been taken at both buildings of the Judicial Academy in Pezinok and Omšenie to ensure accessibility, including the installation of ramps for wheelchair users. The Judicial Academy's campus at

[45] Statutes of the Committee for persons with disabilities.

[46] info@legalaid.sk

[47] www.ja-Slovakia.sk

Omšenie has a special fully equipped room that can be used by persons with reduced mobility participating in educational activities.

70. Prosecution offices are making maximum efforts to ensure that persons with disabilities have access to buildings and facilities of the prosecution service. Disabled access is available in 26 prosecution offices and it is currently unavailable in 31 offices. Besides physical access, all persons, including persons with disabilities, can at any time make use of electronic services (internet, fax) to submit various motions, statements and complaints and to provide information necessary to ensure the fast, correctly addressed and specific exercise of claims in relation to the prosecution service.

71. The Slovak Republic has regulated the accessibility of the web environment (websites) for people with disabilities since 2006 based on a document of the Ministry of Finance of the Slovak Republic on standards for public administration information systems.[48] Soon after this generally applicable regulation was issued, the Ministry of Finance began regular systematic monitoring of the web sites of public administration institutions and it checks several hundred sites each year. Accessibility standards based on the international standard WCAG 2.0 are obligatory for all persons specified by the act on public administration information systems.[49] A weakness is that the document covers only public administration and does not apply, for example, to universities, which significantly limits the accessibility of higher education to students with disabilities.

72. In addition to standards, a project to lay the first foundations for the development of methodology, "Blindfriendly", has run since 2005 with state support. After the revision and updating of the relevant methodology for standards, intensive statistical work began in 2008. Statistics, methods and other information are published on a website[50] operated by the Ministry of Finance. At present the final report for 2011 is being prepared.

73. In order to promote the full integration of children and pupils with disabilities and the education of children and pupils in special schools in cases where integrated education is not possible or beneficial, the education authorities promote increased accessibility through development projects and subsidies. 418 of the 6 726 schools in Slovakia had been made accessible by March 2012, with expenditure of EUR 4 281 544.18; average spending on accessibility per school was EUR 10 242.93.

74. The accessibility of sports facilities to people with physical disabilities is provided for by the Act on the organisation and promotion of sport.[51] Section 32(2) of the above act states that every new sports facility must meet accessibility standards ensuring accessibility for people with physical disabilities and the renovation of sports facilities must take into account the interests of people with physical disabilities.

75. Within the area of competence of the Ministry of Health, the autonomy and independence of people with disabilities in health care facilities (accessibility of buildings and the environment, independent living) is supported by the joint provisions of the applicable document of the Ministry of Health.[52] Health care facilities are obliged to ensure

[48] Document of the Ministry of Finance of the Slovak republic No. 312/2010 Z.z. on standards for public administration information systems.

[49] Act No. 276/2006 Z.z. on public administration information systems, as amended.

[50] www.informatizacia.sk

[51] Act No. 300/2008 Z.z. on the organisation and promotion of sport and the amendment of certain acts, as amended.

[52] Document of the Ministry of Health of the Slovak Republic No. 09812/2008-OL of 10 September 2008 on the minimum requirements for staffing and equipment in specific types of health care facility, as amended.
Journal of the Ministry of Health of the Slovak Republic, Issue 32-51, 28 October 2008, Volume 56.

that patients with reduced mobility and orientation can access and move freely within them by means of horizontal corridors, ramps or lifts. Each department must have at least one shower accessible for people with reduced mobility or for a wheelchair-bound patient. Each department must have at least one bed for persons with reduced mobility, including a pressure relief bed.

76. In order to ensure to persons with disabilities access, on an equal basis with others, to the physical environment, the Ministry of the Environment of the Slovak Republic has taken measures to increase the accessibility of facilities such as the Slovak Museum of Nature Protection and Speleology in Liptovský Mikuláš and the information centre and a number of pavilions of Bojnice Zoo. Fieldwork centres, information centres, caves and nature trails managed by the State Nature Conservancy of the Slovak Republic Banská Bystrica are situated in areas that are difficult to access and therefore they cannot be made accessible.

77. Within the area of cultural policy, in 2010 the Ministry of Culture contributed EUR 6 000 to a conference organised by the Slovak Blind and Partially Sighted Union under the title "Increasing access to cultural heritage for the visually impaired and their allowance for the cultural life of society". The aim of the conference was to contribute to making life easier for the visually impaired to promote understanding and greater tolerance and to increase the social integration of people with visual impairments through cultural integration. In 2011, the Ministry provided EUR 6 000 to support a conference of the Slovak blind and partially sighted union under the title "Accessibility of written documents for persons with visual impairments – a means for their social integration and awareness" with a specific objective – the accessibility of written documents to persons with visual impairments in everyday life (e.g. timetables, the opening hours of various institutions, product descriptions, warnings in public places, patient information leaflets for medicines...).

78. The Ministry of Agriculture and Rural Development of the Slovak Republic is the managing authority for three operational programmes funded from EU structural funds for the programming period 2007-2013: the Regional Operational Programme, the Operational Programme Bratislava Region and the Operational Programme Cross-border Cooperation Slovakia-Czech Republic 2007-2013. The Ministry of Agriculture and Rural Development also acts as a national body in the implementation of the following cross-border cooperation programmes:

- The Cross-border cooperation programme Hungary – Slovakia;
- The Cross-border cooperation programme Slovakia – Austria;
- The Cross-border cooperation programme Poland – Slovakia;
- The European Neighbourhood and Partnership Instrument Hungary – Slovakia – Romania – Ukraine.

79. The Regional Operational Programme provides support for activities to increase accessibility or eliminate physical obstacles impeding people with physical disabilities – modifications to allow easier access to reconstructed, extended, modernised or newly built civil infrastructure or access to public thoroughfares and paths. The main supported modifications are modifications to schools, social services facilities, cultural heritage and archival institutions and the revitalisation of town centres. Support for accessibility is a cross-cutting priority that applies to multiple measures under the Regional Operational Programme.

80. In the Operational Programme Bratislava Region, support for activities to increase accessibility is provided under measure 1.1 Settlement regeneration, in particular in the group of activities under 1.1.2 Separate demand oriented projects focussed on the building

and reconstruction of children's playgrounds and multi-use playgrounds: eligible activities within such projects include the acquisition of park and playground furniture (e.g. benches, waste baskets, barriers etc.), fixed playground equipment (e.g. goals, basketball hoops, posts, safety nets, barriers etc.), related landscaping work including the construction of connections to existing thoroughfares, whereas these connections must meet accessibility requirements. Accessibility is also supported in measure 1.2 Regional and urban public transport, in particular the group of activities under 1.2.3 support for urban public transport.[53]

81. Activities connected with increased accessibility are supported by all the cross-border cooperation programmes listed in point 78.

Article 10 – Right to life

82. The right to life is guaranteed by the Constitution.[21] Article 15(1) of the Constitution of the Slovak Republic states that "Everyone has the right to life. Human life is worthy of protection even prior to birth". Under Article 15(2) of the Constitution of the Slovak Republic "No one shall be deprived of life".

83. The state's specific interest in the protection of life and health is incorporated into individual provisions of the Criminal Code.[54] In accordance with Article 15 of the Constitution of the Slovak Republic the death penalty is prohibited and Section 32 defines 11 types of penalty from which the death penalty is excluded.

84. The law of the Slovak Republic does not allow any form of euthanasia to be carried out legally. Assisting suicide is a crime punished under Section 154 of the Criminal Code.

85. The question of legal artificial termination of pregnancy (abortion) is regulated by the act on artificial termination of pregnancy.[55] This act regulates abortions and sets conditions and procedures for their performance having regard for the protection of women's life and health and in the interest of planned and responsible parenting. Unwarranted abortion is a crime pursuant to Sections 150-153 of the Criminal Code.

86. In January 2012 sixteen "safety nests" (baby boxes) operated in Slovakia based on cooperation with the civic association "Chance for unwanted" (*Šanca pre nechcených*). These are public incubators connected directly to the hospital departments for new-born care and mothers who are unable to cope with a child can place their new-born there without risk to the child's life or health. The actions of a person who places a child in a "safety nest" can be viewed as circumstances excluding criminal liability because it is an exercise of rights and duties in accordance with Section 28 of the Criminal Code. To January 2012 the "safety nests" saved up to 34 children, one of whom was a child with disabilities. Support for the "Safety Nest" project in the Slovak Republic is part of the system of measures for the protection of the lives of unwanted children (including children with disabilities).

[53] http://eca.osf.sk/priority_antidiskriminacia.html

[54] The Criminal Code, as amended.

[55] Act No. 73/1986 Zb. on the artificial termination of pregnancy, as amended.

Article 11 – Situations of risk and humanitarian emergencies

87. Specific provisions for the protection of the population in emergencies are laid down in the civil protection act[56] and its implementing decrees. Priority provision of protection for people with disabilities is laid down in a decree of the Ministry of Interior of the Slovak Republic,[57] in which people with disabilities are a priority category of persons for evacuation from an at-risk area. Civil protection is managed by local offices.

88. Measures to ensure the protection and safety of persons with disabilities in situations of risk, including situations of armed conflict, humanitarian emergencies and the occurrence of natural disasters can be divided into measures connected with priority right to:

- First aid;
- Registration in emergencies;
- Provision of food in emergencies;
- Accommodation in emergencies;
- Use of hygiene and other facilities.

89. Measures to provide for persons with disability in the event of the evacuation of an affected population include the classification of the population in evacuation planning and implementation into groups that can, according to the situation, be prioritised in health care facilities and social services facilities. Every facility that provides care for the physically disabled has an evacuation plan based on real risks. The evacuation plan includes a list of facilities of a similar character where affected persons could be placed in the event of an evacuation.

90. In 2006 the government of the Slovak Republic adopted a document "Mechanism for the provision of humanitarian assistance in the Slovak Republic". This document stipulates that humanitarian assistance is provided to people without regard for ethnic origin, religious belief or political conviction and is intended primarily for the most vulnerable persons, who are mothers and children, the inhabitants of developing countries and people suffering from a lack of the basic necessities of life. Pursuant to the government resolution, a sub-programme for humanitarian assistance of the Slovak Republic was created in the budgetary chapter of the Ministry of Foreign Affairs. In the event of an emergency situation the Ministry of Foreign Affairs can use the funds to implement projects of Slovak non-governmental organisations.

91. Technical matters relating to rescue assistance are provided for by organisations under the Ministry of Interior. The Ministry of Interior also has at its disposal the aircraft and staff of the air squadron of the Ministry of Interior, which can be used to provide humanitarian assistance.

Article 12 – Equal recognition before the law

92. Pursuant to Articles 46 and 47 of the Constitution of the Slovak Republic, the basic law of the state, Slovak law provides for legal institutes that consistently guarantee access to justice and equality before the law for persons with disabilities.

---

[56] Act No. 42/1994 Z.z. on civil protection of the population, as amended.

[57] Decree of the Ministry of Interior of the Slovak Republic No. 75/1995 Z.z. on arrangements for evacuation, as amended.

93. The law of the Slovak Republic confirms that people with disabilities have the right to recognition as persons and recognition of their legal capacity. Anti-discrimination legislation has been adopted to ensure that persons with disabilities have legal capacity in all areas of life on an equal footing with others, in particular there are measures in place to ensure that persons with disabilities have equal right to retention of their physical and mental integrity, full civic participation, ownership and inheritance of property, control of their own financial affairs and equal access to bank loans, mortgages and other forms of financial lending and the right not to be arbitrarily deprived of their property.

94. The treatment of legal capacity in substantive law is based primarily on the Civil Code.[58] If a natural person becomes totally unable to perform legal acts as a result of non-temporary mental disorder, a court may deprive him or her of legal capacity. If a natural person is able to perform only certain legal acts as a result of a non-temporary mental disorder or due to excessive use of alcoholic beverages or narcotics or intoxicants, a court shall limit his or her legal capacity specifying the scope of limitations in its judgement. The court shall amend or cancel the withdrawal or limitation if the grounds that gave rise to it change or cease to exist.

95. Resolution of the government of the Slovak Republic No. 13 of 14 January 2009 approved the proposed legislative plan for the Civil Code. The general section of the plan included a review of the provisions on legal capacity. The plan has been published on the website of the government of the Slovak Republic.[59] A special sub-commission is currently working on the final text of the new Civil Code, taking into account the requirements arising from the Convention on the rights of persons with disabilities. The recodification commission for the preparation of the new Civil Code is reviewing the concept of legal capacity and the possibility to limit it, and also the institutions of guardianship and wardship. The draft final text on legal capacity also includes a section dedicated to "support measures" for persons with disabilities. In the drafting process, the recodification commission and the Ministry of Justice are cooperating with the non-governmental organisation the Association for the assistance of people with mental disabilities in Slovakia.

96. The Code of Civil Procedure[60] permits the prosecution service to intervene in ongoing proceedings for the withdrawal or limitation of legal capacity. As a party to proceedings and in activities connected with proceedings, the prosecution service primarily seeks to ensure that the proceedings are not abused to the detriment of the person they relate to, i.e. that the subject's legal capacity is not withdrawn or limited without due cause. Prosecutors were participants in 923 such proceedings in 2010 and 939 proceedings in 2011.

97. In order to ensure that persons with disabilities have access to assistance that they may need to exercise their legal capacity, the social services act permits the provision of assistance in exercising rights and interests protected by law (Section 20), in particular assistance in exercising rights under applicable legislation, accompanying an adult natural person in transacting official business and participating in official meetings, assistance in arranging personal documentation, in drafting and filing written submissions, completing forms, in written communication with authorities and the transaction of other business in the interest of the natural person.

98. A natural person who wishes to perform the function of a guardian and a natural person who is unable to exercise and protect rights and legally protected interests alone can

[58] Section 8 of the Civil Code, as amended.

[59] http://www.rokovania.sk

[60] Section 35(2)(a) of the Code of Civil Procedure, as amended.

be provided with assistance in the exercise of the rights and the performance of the duties of a guardian under Section 55 of the social services act. This social service covers in particular the representation of a natural person in proceedings on the withdrawal, limitation or restoration of legal capacity, cooperation in writing proposals for a court to initiate proceedings on the withdrawal, limitation or return of legal capacity, the provision of social or other advice regarding the exercise of rights and interests protected by law, cooperation with the competent authorities and all interested parties before and during proceedings on the withdrawal, limitation or restoration of legal capacity and seeking and training persons interested in guardianship and their training to exercise rights and perform duties. At present there are five providers of assistance in the exercise of the rights and the performance of the duties of a guardian. Information on the number of persons to whom these social services are provided is not available.

Article 13 – Access to justice

99. Pursuant to Articles 46 and 47 (the right to judicial and other legal protection) of the Constitution of the Slovak Republic,[61] the basic law of the state, Slovak law establishes legal institutions that consistently guarantee access to justice and equality before the law for persons with disabilities.

100. Access to effective legal remedies for the victims of discrimination on grounds of disability is currently provided through the anti-discrimination act,[8] under which victims of this form of discrimination may bring an action for discrimination in a substantially, territorially and functionally competent general court.

101. Under section 13 of the Civil Code, every natural person, including persons with disabilities, and after their death their spouse and children, and in the absence of a spouse or children the person's parents, have the right to bring an action for protection of personality. The content of the action is the right to force the cessation of undue interference with the right to the protection of personality, the elimination of the effects of such interference and to receive adequate compensation.

[61] Article 46:
(1) Everyone may claim by the established legal procedure his right to an independent and impartial court hearing and, in cases designated by law, to another body of the Slovak Republic.
(2) Anyone who claims to have been deprived of his rights by a decision of a public administration body may appeal to the court for it to reexamine the lawfulness of that decision, unless specified otherwise by law. The reexamination of decisions concerning basic rights and liberties must not, however, be excluded from the court's authority.
(3) Everyone is entitled to compensation for damage incurred as a result of an unlawful decision by a court or another state or public administration body, or as a result of an incorrect official procedure.
(4) Conditions and details concerning court and other legal protection will be set out in a law.
Article 47:
(1) Everyone has the right to refuse to testify if, by doing so, he might expose himself or a person close to him to the risk of criminal prosecution.
(2) Everyone has the right to legal aid in court proceedings or proceedings before other state or public administration bodies. He has this right from the very start of the proceedings, under conditions defined by law.
(3) All participants in proceedings according to section 2 are equal.
(4) Anyone who declares that he does not have a command of the language in which the proceedings according to section 2 are conducted has the right to an interpreter.

102. Another effective legal remedy is personal damages in accordance with the act on liability for damages caused by a public authority.[62]

103. Persons with disabilities who have claimed the above remedies and are unsatisfied with the results of proceedings before general courts may claim protection of their fundamental rights and freedoms guaranteed by the Constitution of the Slovak Republic[21] and international treaties in the area of human rights from the Constitutional Court of the Slovak Republic by means of a constitutional complaint pursuant to Article 127 of the Constitution of the Slovak Republic. If the Constitutional Court finds that the rights of an individual have been violated, it can cancel the final judgement of general courts and award reasonable financial compensation for the violation.

104. After the exhaustion of effective domestic remedies, it is also possible to claim protection from the European court of human rights in Strasbourg by means of an individual application pursuant to Article 34 of the European convention on human rights. Violation of a provision on the prohibition of discrimination can be claimed, as in cases before the Constitutional Court, only where there is a violation of the rights laid down in the European convention on human rights. From the date when the Convention on the Rights of Persons with Disabilities entered into force for Slovakia[1] up to 30 March 2012, no citizen or citizens of Slovakia had made an application regarding a violation of the prohibition of discrimination on grounds of disability.

105. In civil law proceedings a natural person who cannot independently participate in proceedings must be represented by a legal representative (Section 22 of the Code of Civil Procedure). The legal representative of a natural person whose legal capacity has been withdrawn or limited by a court is the person's court-appointed guardian (Section 27(2) of the Code of Civil Procedure). A court shall appoint a guardian for a party to proceedings who is suffering from a mental disorder (but whose legal capacity has not been withdrawn or limited by a court judgement) or who is unable to express himself or herself in a comprehensible manner. When questioning persons who are mute, dumb or deaf mute with whom it is impossible to communicate reliably by other means the court shall use the services of an interpreter.

106. Proceedings on legal capacity are combined with guardianship proceedings. In a ruling on the withdrawal of legal capacity or its limitation, the court shall specify a guardian for the person whose legal capacity has been withdrawn or limited in accordance with Section 192 of the Code of Civil Procedure. The court shall monitor the fashion in which the guardian performs his or her function and make an evaluation of it at least twice a year. A change affecting the protection of the rights of persons with disabilities, especially mental disabilities, has been made in the provisions of the Code of Civil Procedure governing proceedings on legal capacity.[63] Since 15 October 2008 the court orders a hearing in proceedings on legal capacity because the ordering of a hearing is always in the interest of the person whose legal capacity is at issue.

107. Proceedings on a declaration of the admissibility of committing a person to a health care institution or holding a person in a health care institution are regulated by Section 191a to 191g of the Code of Civil Procedure. The law states that no one can be detained in a health care institution against their will without permission of a competent court.

---

[62] Act No. 514/2003 Z.z. on liability for damage caused in the exercise of public power and on the amendment of certain acts, as amended.

[63] The Code of Civil Procedure, as amended.

108. On 1 January 2012 an act[64] amending the Code of Civil Procedure entered into effect. Article IV of this act was a direct amendment of Section 9a of the anti-discrimination act.[65] The objective of the change was to improve the quality of the original text of the anti-discrimination act allowing the Slovak National Centre for Human Rights, non-governmental organisations and other persons whose objective or activity is protection against discrimination to file a "public action" in their own name in the event of a grave violation of the principle of equal treatment.

109. If a person with disabilities wishes to receive legal aid but their condition does not permit them to submit an application for legal aid themselves, they can authorise another person to make the application for them and to act on their behalf in the assessment of the application for legal assistance.

110. The act on the provision of legal aid to persons in material need[66] has been amended to increase the general effectiveness of access to justice for victims of discrimination. The Legal Aid Centre provides legal aid through its employees, designated lawyers and mediators. If it is expedient and it is evident that a legal dispute involving an eligible person or a foreign eligible person could be resolved by mediation, the Legal Aid Centre shall propose mediation to the eligible person or foreign eligible person and shall appoint a mediator with the consent of the eligible person or foreign eligible person and the mediator; if it is appropriate in the circumstances of case, the mediator shall be appointed only after the consent of the other party in the dispute has been obtained. The amendment also amended conditions for the provision of legal aid based on the income of natural persons in material need, increasing the upper threshold from 1.4 times to 1.6 times the subsistence minimum, if the applicant cannot finance the use of legal services from his or her own property.

111. Guidelines have been issued to unify procedures for the granting of legal aid on grounds of circumstances justifying the requested legal aid; these guidelines[67] demonstratively state that circumstances justifying the granting of legal aid where the legal income threshold is exceeded include "demonstrable expenditure for health care for natural persons, including minors and persons dependent on the care of a natural person."

112. The prosecution service, as a universal body for protection of the law, is another body whose duty, based on Article 149 of the Constitution of the Slovak Republic, is to protect the rights and legally-protected interest of natural persons, legal entities and the state. Prosecutors protect the rights and legally-protected interests of natural persons, including persons with disabilities, in the course of their duties, in particular the use of legal instruments (measures) established by the Act on the Prosecution Service or other applicable legislation (procedural and substantive law). There is no charge for proceedings (handling of complaints) by the prosecution service.

113. The activities of the divisions of the Presidium of the Police Force of the Slovak Republic are regulated by criminal law legislation and the principles of equal treatment. In

[64] Act No. 388/2011 on the amendment of Act No. 99/1963 Zb. the Code of Civil Procedure, as amended, and on the amendment of certain acts.

[65] Section 9a – If a violation of the principle of equal treatment could affect the rights, legally-protected interests or freedoms of a larger or indefinite number of persons or if such a violation could otherwise gravely endanger the public interest, a legal entity under Section 10(1) shall have the right to seek protection of the right to equal treatment. Such a person may request a ruling determining whether the principle of equal treatment was violated, an injunction requiring the person that did not comply with the principle of equal treatment refrain from such activity and if possible correct the illegal situation.

[66] Act No. 327/2005 Z.z. on the provision of legal aid to persons in material need, as amended.

[67] Guidelines of the Ministry of Justice of the Slovak Republic No. 1/2012.

administrative procedures relating to persons with disabilities, the police force uses the services of experts in communication with persons with disabilities according to the specific type of disability, and interpreters for communication with the hearing impaired (e.g. an oral interpreter, a sign-language interpreter or an interpreter for deaf and blind persons).[68]

114. If immobility makes it impossible for a foreigner to submit an application for permission to reside in the territory of the Slovak Republic in person in accordance with the Act on residence of foreigners, a family member may submit the application on his or her behalf. Furthermore in most offices of the basic divisions of the Police Force, there is disabled access to the foreign police and the cabins for recording biometric data are adapted for people with physical disabilities.

115. Education is provided by the Judicial Academy, an institution established by the Act on the Judicial Academy[69] as an educational institution on the national level for the Ministry of Justice and the Office of the Prosecutor General. The independence of the educational institution is one of the fundamental guarantees of the independence of the judiciary. The Judicial Academy provides for, organises and implements education for judges, prosecutors, trainee prosecutors, trainee judges and court officials. The participation of judges and prosecutors in education activities is voluntary.

116. The Ministry of Interior provides training to members of the Police Force in assisting persons with disabilities to have effective access to justice. The post-secondary vocational courses of police secondary schools that provide basic training for service in the police incorporate the issue of relations between the police and persons with disabilities in school education programmes and in the syllabuses for specific subjects (Ethics and psychology of social work, Uniform police work, Criminal investigation). As part of the plan for vocational training, officers of the border and foreign police receive training in human rights issues at regular monthly meetings; this training covers both human rights in general and specific issues (e.g. protection and respecting of the rights of persons with disabilities).

Article 14 – Liberty and security of the person

117. The right to personal liberty is one of the most important basic human rights and this right is guaranteed through various regulations. In accordance with Article 17(1) of the Constitution of the Slovak Republic: "Personal freedom is guaranteed. No one must be prosecuted or deprived of freedom other than for reasons and in a manner defined by law. No one must be deprived of freedom solely because of his inability to comply with a contractual obligation." Article 17(2) of the Constitution of the Slovak Republic lays down the prohibition to prosecute anyone or deprive anyone of freedom other than for reasons and in a manner defined by law. Article 17(3) of the Constitution of the Slovak Republic regulates the personal freedom of anyone who is detained. Only persons accused or suspected of a crime may be detained and only in cases defined by law.

118. A person may be deprived of personal liberty only if he or she has committed a crime or on grounds of his or her health condition. Under Article 17(6) of the Constitution of the Slovak Republic "a law will specify the cases in which a person can be committed to a health care institution or held there without his or her consent. A court must be notified of such a measure within 24 hours and shall decide upon the placement within five days."

[68] Act No. 382/2004 Z.z. on experts, interpreters and translators and on the amendment of certain acts

[69] Act No. 548/2003 Z.z. on the Judicial Academy and on the amendment of certain acts, as amended.

A special case is the commitment to institutional care of a person accused of a crime. According to Article 17(7) of the Constitution of the Slovak Republic, a person accused of a crime can be committed only on the basis of a written court order. A person whose personal freedom has been limited for certain reasons can be placed in a police detention cell, in a remand institution, in a penal institution, in a location for the performance of protective and constitutional treatment, in diagnostic centres and re-education homes for young people. The conditions for persons' placement and residence in the above facilities are regulated by specific legislation. The prosecution service supervises compliance with the law in locations where personal liberty is restricted.

119. The Act on the serving of prison sentences[70] and the Act on remand custody[71] apply to persons with disabilities who are serving prison sentences or are held on remand on the basis of the principle of equality before the law regardless of the existence of a disability.

120. In accordance with order of the general director of the Prison and Justice Guards Corps on the employment of convicts, on the keeping of records of shifts and hours worked and on the processing of statistical records,[72] health condition, amongst other things, is taken into consideration when assigning convicts to work. Convicts with impaired work abilities or disabilities are assigned to work according to the rules laid down in the Regulations for the serving of prison sentences. The same procedure applies to persons with disabilities in remand custody.

121. Pursuant to the Act on the Prosecution Service[73] it is within the competence of the prosecution service for prosecutors to carry out supervision of compliance with the law in locations where persons are held who have been deprived of personal liberty or persons whose personal liberty has been restricted by a court judgement.

122. Any interference with the body of another natural person in health care is permitted only with the consent of the affected person. Otherwise such actions would involve not only legal consequences (liability for damages) but also potential criminal liability. The duty to respect the physical and mental integrity of a patient (to provide health care only in accordance with the patient's consent) is essential except in certain cases, which are exhaustively listed in law.[74]

123. In connection with support for gender equality and the elimination of discrimination in general (against older people, women, the mentally ill and persons with physical disabilities), the National Strategy for Gender Equality for the years 2009-2013[16] was adopted and based thereon the Ministry of Labour, Social Affairs and Family of the Slovak Republic has developed the National Action Plan for Gender Equality for the Years 2010-2013.[17]

124. The Ministry of Health of the Slovak Republic has also prepared material "Development of the strategy for the prevention of crime and other anti-social activity in the Slovak Republic for the years 2012-2015 as it applies to the health care sector",[75] which focussed on the elimination of violence (recognised as an extremely serious phenomenon)

[70] Act No. 475/2005 Z.z. on the serving of prison sentences and on the amendment of certain acts, as amended.

[71] Act No. 221/2006 Z.z. on remand custody, as amended.

[72] Order of the general director of the Prison and Justice Guards Corps No. 26/2003 on the employment of convicts, on the keeping of records of shifts and hours worked and on the processing of statistical records.

[73] Section 4(b) of Act No. 153/2001 Z.z. on the prosecution service, as amended.

[74] Section 4(4) and Section 6(9) of Act No. 576/2004 Z.z. on health care, services connected with the provision of health care and the amendment of certain acts, as amended.

[75] Resolution of the government of the Slovak Republic No. 807 of 14.12.2011.

in the family and against women, and the reduction of potential disabilities in children. The main measures were: measures to reduced alcohol use, protective treatment ordered by courts, competitions for smokers "Stop and Win" and "World No Tobacco Day".

125. In the National campaign to eliminate domestic violence in the Slovak Republic[76] and in order to increase the medical community's awareness of this issue, the Ministry of Health took over the operation of the touring exhibition "Silent Witnesses" (*Umlčané svedkyne*). It also undertook the distribution to selected health care facilities in Slovakia of 20 000 leaflets and educational brochures on the topic of domestic violence prepared in cooperation with the Ministry of Labour, Social Affairs and Family.

126. The Ministry of Health has issued professional guidelines[77] to institute monitoring of existing violence committed against women and the provision of crisis interventions by medical personnel.

127. In connection with liberty, security and freedom of movement, the government of the Slovak Republic has approved the document Migration policy of the Slovak Republic: Perspective to 2020 in which the responsible ministries developed action plans for conditions in their areas of responsibility. The Ministry of Labour, Social Affairs and Family has developed the Action plan for migration policy in the area of responsibility of the Ministry of Labour, Social Affairs and Family for the period 2012-2013.

Article 15 – Freedom from torture or cruel, inhuman or degrading treatment or punishment

128. The Slovak Republic is bound by the European Convention for the prevention of torture and inhuman or degrading treatment or punishment.

129. The Criminal Code defines the actions constituting the crime of torture and other inhuman or cruel treatment (Section 420), which is punished by imprisonment, which can be extended in case of aggravating circumstances. A perpetrator shall be sentenced to three to ten years imprisonment if the crime is committed against a protected person, a category that includes people with disabilities.

130. Legislative, administrative, judicial and other measures adopted by the Slovak Republic apply to all natural persons and legal entities; in the case of natural persons the (non-)existence of a disability is of no consequence. Particulars of the legislative, administrative and other measures adopted to prevent torture and ill-treatment, the protection of persons against rendering to a state where they would be at risk of torture or ill-treatment (the principle of "*non-refoulement*"), the criminalisation and penalisation of acts of torture as crimes and the establishment of judicial powers in Slovakia over such cases and the extradition of the perpetrators of the crime of torture are given in the second periodic report of the Slovak Republic on the United Nations Convention against Torture and Other Cruel or Degrading Treatment or Punishment.

131. The Convention on the Rights of Persons with Disabilities is most relevant to the activities of the Prison and Justice Guards Corps in relation to imprisonment, an area in which the basic principle is the prevention of any form of torture or cruel, inhuman or degrading treatment or punishment. This principle is fully applied also in relation to people with disabilities in the Slovak Republic. The recodification of the criminal law and in

[76] http://www.zastavmenasilie.sk/

[77] Journal of the Ministry of Health of the Slovak Republic, Issue 54-55, 25 November 2008, Volume 56.

particular the Act on the serving of prison sentences[70] introduced a special form of imprisonment for persons with disabilities. Convicts with disabilities (persons with a changed ability to perform work and severe disabilities, who are suffering from long-term serious illnesses that reduce their ability to perform work) serve their sentences of imprisonment in conditions that have regard for their health condition and based on a medical assessment may be placed in a special department providing appropriate treatment in hospital or, subject to certain conditions (relating to the availability of professional medical care and building conditions) in prison.

132. Within the area of responsibility of the Ministry of Interior of the Slovak Republic general issues of torture and ill-treatment are regulated by Order of the minister of interior on the performance of tasks and measures under the European convention for the prevention of torture and inhuman or degrading treatment or punishment.[78] Police officers assigned to organisational units under the office of the border and aliens police of the Presidium of the Police Force receive regular training on general issues relating to the protection of human rights and also specific issues such as protection against torture or cruel, inhuman or degrading treatment or punishment.

133. With regard to primary health care in the police detention centres for aliens, the Act on the residence of aliens[79] stipulates that third-country nationals are obliged to undergo a medical inspection in the scope set by a doctor, including necessary diagnostic and laboratory tests, vaccination and preventative measures set by the health protection authority, in which particular attention is given to vulnerable persons. Under section 95(2) of the act on the residence of aliens, if a third-country national requires medical treatment that cannot be provided in the facility in question, the police unit shall arrange for care to be provided in a health care facility outside the facility.

134. The report on the visit to Slovakia by the European committee for the prevention of torture and inhuman or degrading treatment or punishment, CPT/Inf (2010) states that no complaints of ill-treatment were made against the staff of the police detention centres for aliens at Medved'ov and Sečovce.

135. Section 10 of the social services act strictly prohibits the use of corporal and non-corporal restraint techniques against a recipient of social services in social service facilities. The only exceptions are situations in which the life or health of the recipient or other natural persons are at risk. Even in such cases, restraint techniques can only be used for the time necessary to eliminate the immediate risk and non-corporal techniques such as verbal communication should be used before corporal techniques are applied, e.g. the use of various grips, placement of the recipient in a special room or the use of drugs.

136. Every provider of social services is obliged to establish and keep a register of corporal and non-corporal restraint techniques for social services and every use of restraint techniques must be reported without delay to the Ministry of Labour, Social Affairs and Family which can, in case of doubt, check the eligibility of the use of restraint techniques during auditing of the provision of social service.

[78] Order of the minister of interior of the Slovak Republic No. 28/2008 on the performance of tasks and measures under the European convention for the prevention of torture and inhuman or degrading treatment or punishment.

[79] Act No. 404/2011 Z.z. on the residence of aliens and the amendment of certain acts.

Article 16 – Freedom from exploitation, violence and abuse

137. The specific section of the Criminal Code defines a wide range of crimes covering cases of exploitation, violence and abuse, in which it is stipulated that the commission of the crime against protected persons, including persons with disabilities, is an aggravating circumstance.

138. In addition to carrying out standard supervision and appearing before the court in such cases, prosecutors contribute to various programmes aimed primarily at eliminating various forms of violence and abuse.

139. In accordance with the National action plan for children for the years 2009 to 2012,[15] the prosecution service provided for and carried out tasks in the following areas:

- Active cooperation in handling the complaints of minors claiming violations of their rights; minors can submit such complaints by various means (in writing, electronically, in person, during inquiries by prosecutors);
- Children and the family environment and substitute care;
- Introduction of this specialisation in the prosecution service and the use of a prosecutor's access rights;
- Inspections by prosecutors in institutions for the performance of protective education and institutional care.

140. Prosecutors carry out inspections at regular intervals focussing in particular on compliance with laws regulating the placement of children in such institutions and the compliance with the laws regulating protective education and institutional care with particular attention to compliance with measures intended to prevent torture and the physical and mental abuse of inmates. Prosecutors make use of the ability to conduct interviews with inmates without the presence of third parties. Boxes are placed in upbringing institutions in which anonymous messages to the prosecution services can be placed. In 2010 a prosecutor made a heightened inspection of the re-education centre at Hlohovec in response to a criminal complaint made by one of the inmates against employees of the institution.

141. The National programme for the fight against trafficking in human beings for the years 2011 to 2014[80] was prepared as part of the transposition of the EU Directive 2011/36/EU of 05.04.2011 on preventing and combating trafficking in human beings. The national program for the fight against trafficking in human beings set tasks for the prosecution service in particular in connection with the protection of victims, their repatriation, more effective prosecution of the perpetrators of crimes of trafficking in human beings, reviewing the definition of certain crimes and bringing these definitions into line with international treaties. Under the programme the Slovak Republic is conducting a feasibility study for the adoption of comprehensive legislation on the fight against trafficking in human beings. A working group reporting to the Ministry of Justice and the Office of the Prosecutor General has been set up to carry out this task.

142. As part of their training, prosecutors regularly attend seminars on this issue. In November 2011 the Ministry of Interior of the Slovak Republic organised a seminar on the "Identification of victims of trafficking in human beings".

143. The government has adopted the National strategy for the prevention and elimination of domestic violence against women and in families[11] and the National action

[80] www.minv.sk/?ministerstvo-vnutra&subor=58987

plan for the prevention and elimination of violence against women for the period 2009-2012.[12] In 2011 the government discussed and approved the Interim report on fulfilment of the National action plan for the prevention and elimination of violence against women for the period 2009-2012 and updated tasks. In 2011 preparations were made for a national project under the Operational Programme Employment and Social Inclusion – Support for the prevention and elimination of violence against women.

144. In the area of the socio-legal protection of children and social rehabilitation, there is a total ban on the use of any form of corporal punishment and any other physical and humiliating punishment when carrying out measures for the socio-legal protection of children and social rehabilitation. The zero tolerance of corporal punishment is based on the Convention on the Rights of the Child, the Recommendations of the Committee on the Rights of the Child and is a response to the programme of the Council of Europe "Building a Europe for and with children". The authorities for the socio-legal protection of children and social rehabilitation must always choose and apply appropriate measures in favour of the children concerned in response to every notification of physical and humiliating punishments by a parent or a person providing personal care for a child. The authorities can choose from a wide range of measures from the most moderate (e.g. an upbringing measure – warning) to the most serious (e.g. requesting a court ruling for placement in institutional care).

145. The state authority for the socio-legal protection of children and social rehabilitation performs the necessary administrative, social and upbringing measures for the protection of children against any physical or mental violence or abuse, including sexual abuse, neglect or negligent treatment, cruelty or abuse during the time when they are in the care of one or both parents, legal representatives or any other person who cares for the child.

146. The authorities for the socio-legal protection of children and social rehabilitation also acts as an ad-hoc coordinator of cooperation by other authorities in social rehabilitation for children and assistance for children who have been ill-treated, sexually abused, neglected or where there are grounds to suspect ill-treatment, sexual abuse or neglect.

147. If a child is without any sort of care or if his or her life, health or favourable mental, physical or social development is seriously endangered or disturbed, the authority for the socio-legal protection of children and social rehabilitation in the district where the child is located is obliged to immediately apply to a court for a temporary injunction and to provide for the child's basic needs and place him or her in a children's home or crisis centre.

148. Measures for the socio-legal protection of children and social rehabilitation are designed to be selected and applied as necessary to resolve situations in which children find themselves of varying gravity and intensity – from measures for primary social prevention aimed at undisturbed ground, through situations such as the divorce of parents, crises and dangers in the family, to extreme cases where children must be removed from their natural family environment or where a child finds himself or herself with no care at all.

149. Measures are executed in various environments, of which the law defines four basic types: the natural family environment, a substitute family environment, an open environment and facilities for the socio-legal protection of children and social rehabilitation such as a children's home, a crisis centre, a resocialisation centre for drugs and other addictions and so on.

150. The authorities for the socio-legal protection of children and social rehabilitation implement measures necessary for the protection of the life, health and favourable development of the child continuously. Continuous, systematic aid for children in emergencies is provided through the performance of on-call duty by employees of the authorities for the socio-legal protection of children and social rehabilitation.

151. Measures for the socio-legal protection of children and social rehabilitation are carried out by:

- State administration bodies:
  - The Ministry of Labour, Social Affairs and Family;
  - Authorities for the socio-legal protection of children and social rehabilitation;
  - The Central Office of Labour, Social Affairs and Family;
  - Offices of labour, social affairs and family (46 + 33 branch offices);
  - The Centre for international legal protection of children and youth;
- Self-government authorities:
  - Municipalities;
  - Higher-tier territorial units;
- Accredited organisations;
- Legal entities or natural persons (primary prevention – accreditation not required).

152. In the system for interventions in crises and assistance to children, the emphasis is placed on a professional approach. In the Slovak Republic minimum qualification requirements for the socio-legal protection of children and social rehabilitation are laid down by law[81] – a higher education degree in a relevant subject, whereas only social work is an accepted subject for work in arranging substitute family care, social rehabilitation for children and social work in facilities. The law regulates mandatory supervision in facilities for the socio-legal protection of children and social rehabilitation and mandatory supervision is gradually being introduced for measures carried out outside facilities.

153. Assistance for foreign children and minors against exploitation, violence and abuse is promoted in the drafted and adopted concept for the integration of aliens in the Slovak Republic.[18]

Article 17 – Protecting the integrity of the person

154. Proceedings on a declaration of the admissibility of committing a person to a health care institution or holding a person in a health care institution are regulated by Section 191a to 191g of the Code of Civil Procedure. The law states that no one can be detained in a health care institution against their will without permission of a competent court. The law distinguishes between the lawfulness of committing a person to health care institution and holding a person in a health care institution. This corresponds to the legal procedure, which is divided into proceedings on the lawfulness of committal and the lawfulness of continued detention in a health care institution. Proceedings on a declaration of the admissibility of committal to an institution are begun by a court as an official duty within five days of the committal or holding of a person in an institution. The second phase – proceedings on a declaration of the admissibility of the continued detention of a sick person in an institution comes into consideration if a committed person's contact with the outside world is limited or prevented. Expert opinion plays an important role in such decisions. The court is obliged to decide on the matter within three months of the issuing of a declaration on the admissibility of committal to an institution.

[81] Act No. 305/2005 Z.z. on the socio-legal protection of children and on social rehabilitation and on the amendment of certain acts, as amended.

155. Under the act on health care[82] a patient can be committed to a health care institution without his or her consent if:

- The patient has an illness for which treatment can be obligatory (certain infectious diseases);
- As a result of mental illness or with symptoms of a mental disorder or mental illness, the patient is a risk to himself or herself or to his or her surroundings or there is a risk of a serious worsening of his or her health condition;
- Vital functions are at risk and it is necessary to perform life-saving operations and to continuously monitor vital functions.

156. In such cases the institution providing health care is obliged to notify a court in the district in which it is situated of the committal of anyone without their written consent. An institution shall have the same duty if in the course of treatment it restricts the free movement or contact with the outside world of a person who originally gave written consent for treatment. Until the court's decision is made, it is possible to carry out only such treatments and examinations as are necessary to protect the life and health of the patient or to secure his or her surroundings.

157. The application shall be submitted by the health care facility that has taken the patient into its care. If the patient that the institution has taken into its care (to whom the proceedings relate) has no other representative, the court shall appoint a guardian for the proceedings. During the proceedings, the court shall hear evidence necessary for its judgement (the evidence of the sick person, the attending physician etc.) and issue a judgement within five days as to whether the committal was on lawful grounds. The ruling shall be delivered to the person committed (within 24 hours of the decision, at the latest within five days), his or her representative and the institution.

158. It is permissible to appeal against the ruling, but it shall not have suspensive effect. This means that if the court rules that it was admissible to commit the person to a health care institution, they shall remain there after the filing of the appeal even though the ruling is not final. If the court rules that there were no lawful grounds for committal, the institution is obliged to release the patient. If the court finds that there were lawful grounds for hospitalisation, it automatically continues proceedings on the declaration of the admissibility of continued detention in the institution.

159. The court shall appoint an expert to determine the health condition of the committed patient; the expert shall investigate and state whether the continued detention of the patient in the institution with limited or no contact with the outside world is necessary. The expert cannot be a physician who works in the institution to which the patient was committed.

160. In the Slovak Republic any interference with the body of another natural person in health care is permitted only with the consent of the affected person. Otherwise such actions could involve not only legal consequences (liability for damages) but also potential criminal liability. The duty to respect the physical and mental integrity of a patient (to provide health care only in accordance with the patient's consent)[83] is stipulated by law except in certain exhaustively defined cases.[84]

---

[82] Act No. 576/2004 Z.z. on health care, services connected with the provision of health care and the amendment of certain acts, as amended.

[83] Section 6(9) of Act No. 576/2004 Z.z. on health care, services connected with the provision of health care and the amendment of certain acts.

[84] Section 6(9)(d) of Act No. 576/2004 Z.z. on health care, services connected with the provision of health care and the amendment of certain acts.

161. Capacity to give informed consent is defined indirectly through the definition of persons who cannot give informed consent. If a person is not capable to give informed consent the medical worker must explain matters not to the person concerned but to his or her legal representative; however, they are also obliged to give information in an appropriate manner to the person who is not competent to give informed consent. Additional requirements for the content of such information are laid down in the Code of conduct for medical personnel.[85]

162. In order to reduce the occurrence of violence amongst patients in facilities providing psychiatric care, the Ministry of Health of the Slovak Republic has issued professional guidelines[86] which amongst other things define the personnel responsible for preventing violence, the measures necessary to prevent such violence and the provision (via a doctor) of information to the legal representatives of patients under the age of 18 and patients who have been deprived of legal capacity. To increase respect for the physical and mental integrity of persons and to prevent the illegitimate use of restraint techniques against patients undergoing treatment in psychiatric wards, the Ministry of Health has issued professional guidelines specifying the situations in which such restraint techniques can be used, only for the time necessary and in exceptional cases where patients actions endanger themselves or those around them.[87] To provide for better protection of the integrity of persons, the Ministry of Health is preparing for publication in 2012 professional guidelines on the procedure for medical personnel managing health care for patients acutely intoxicated with alcohol.

Article 18 – Liberty of movement and nationality

163. Conditions for the acquisition and loss of state citizenship of the Slovak Republic are regulated by the Act on State Citizenship of the Slovak Republic.[88] Section 19a of the Act on State Citizenship states that rights are guaranteed equally to all in persons in the application of the act, regardless of sex, race, skin colour, language, faith and religion, political and other opinions, national or social origin, membership of a nationality or ethnic group in accordance with the principle of equal treatment laid down by applicable law.

164. The acquisition of state citizenship of the Slovak Republic is regulated by the first part of the Act on State Citizenship.[88] State citizenship of the Slovak Republic is acquired through birth by a child at least one of whose parents is a state citizen of the Slovak Republic or by a child born in the territory of the Slovak Republic to stateless parents or a child born in the territory of the Slovak Republic whose parents are foreign nationals but on birth does not acquire the state citizenship of either parent (Section 5(1) of the Act on State Citizenship). State citizenship of the Slovak Republic can also be acquired by adoption, grant or discovery in the territory of the Slovak Republic.

165. State citizenship can be lost by release from association with the Slovak Republic at the holder's own request or on the acquisition of a foreign state citizenship based on an

[85] Annex to Act No. 578/2004 Z.z. on providers of health care, medical personnel, professional organisations in health care and the amendment of certain acts.

[86] Professional guidelines of the Ministry of Health of the Slovak Republic on the prevention of violence amongst patients hospitalised in health care facilities providing psychiatric care. Journal of the Ministry of Health of the Slovak Republic, Issue 12-18, 28 May 2010, Volume 58.

[87] Journal of the Ministry of Health of the Slovak Republic, Issue 25, 30 June 2009, Volume 57, Professional guidelines of the Ministry of Health of the Slovak Republic on the use of restraint techniques against patients in health care facilities providing psychiatric care.

[88] Act No. 40/1993 on state citizenship of the Slovak Republic, as amended.

express act of will, which is an application, declaration or other act leading to the acquisition of foreign state citizenship.

166. Under the law, persons with disabilities acquire state citizenship of the Slovak Republic subject to the same conditions as persons without disabilities. The disability of a natural person is not grounds for the loss of state citizenship of the Slovak Republic either.

167. Pursuant to Article 23(4) of the Constitution of the Slovak Republic every citizen has the right to enter the territory of the Slovak Republic freely. A citizen of the Slovak Republic cannot be forced to leave his or her homeland nor be deported.

168. Legislation providing for the registration of every child with disabilities immediately after birth and their right to a name and nationality (citizenship) includes the act on registry offices,[89] the act on names and surnames[90] and the act on state citizenship.[88] According to the act on names and surnames[85] everyone must have a name and surname.

169. The issue of liberty of movement and nationality is also addressed by measures developed and adopted as part of the concept for the integration of aliens in the Slovak Republic.[18]

Article 19 – Living independently and being included in the community

170. Support for the autonomy and independence of persons with disabilities is supported by, amongst other means, the act on cash benefits to compensate severe disability.[6] One of the most progressive instruments in the system for compensation of social consequences of severe disability is the cash allowance for personal assistance (Section 22). The purpose of personal assistance is not only the promote activation of the natural person with severe disabilities and his or her social inclusion, but also to support the person in making independent decisions about all areas of his or her own life (family, work, education, culture, sport, political and civic life). Personal assistance creates conditions for people with disabilities to have access on an equal basis to all human rights and fundamental freedoms in accordance with their natural needs. Natural persons with severe disabilities choose personal assistants for themselves. A personal assistant provides personal assistance under an agreement on the provision of personal assistance (between the personal assistant and the natural person with a severe disability or between the natural person with a severe disability and a personal assistance agency). The maximum amount of personal assistance is 7 300 hours per year, of which 1 460 hours per year may be provided by close family members.

171. A natural person with a severe disability who has impaired hearing can receive a cash allowance for personal assistance and for interpretation (sign language interpretation, oral interpretation and tactile interpretation) or mediation of communication (also for deaf blind people).

172. Under the social services act[91] a natural person has the right select social services and the form of their provision, and also the provider of social service, subject to the conditions laid down by law. The provision of social services in the community or in

[89] Act No.154/1994 on registry offices, as amended.

[90] Act No. 300/1993 Z.z. on names and surnames, as amended.

[91] Section 6 of Act No. 448/2008 Z.z. on social services and on the amendment of Act No. 455/1991 Zb. on trade licensing (the Trades Licensing Act) as amended, as amended.

out-patient facilities has priority over the provision of social services in an institution on a residential basis.

173. Furthermore, sections 7 and 9 of the social services act require that in the provision of social services providers take into account the individual need of the recipient, plan the provision of social services according to the individual objectives, needs and abilities of the recipient of social services, keep written individual records on the provision of social services and evaluate the provision of social services together with the recipient of the social services if this is possible having regard for his or her health condition and the type of social services provided, or with the recipient's legal representative.

174. The social services act[92] sets out a broad range of social services intended for persons with disabilities whose objective is to promote independent living and inclusion in society. The basic duties of a social services provider (section 7) also include cooperation with the family, municipality and community in creating conditions for the return of a recipient of social services provided in a residential facility on a permanent basis to a natural family or community environment, giving priority to the provision of services in the community, in out-patient facilities or in residential facilities on a weekly basis.

175. Social services intended for persons with disabilities include in particular:

- Social consulting (Section 19);
- Care service (Section 41);
- Transport service (Section 42);
- Guide and reading service (Section 43);
- Interpreting service (Section 44);
- Arrangement of an interpreting service (Section 45);
- Arrangement of personal assistance (Section 46);
- Loan of aids (Section 47);
- Monitoring and signalling of the need for assistance (Section 52).

176. Of the social services provided in facilities, independence and integration are promoted in particular by:

- Sheltered accommodation facilities (Section 34);
- Rehabilitation centre (Section 37);
- Social services home (Section 38) and specialised facility (Section 39);
- Day care centre (Section 40).

177. In the context of support for living independently and the inclusion of people with disabilities in society, on 30 November 2011 the government of the Slovak Republic adopted "Strategy for the deinstitutionalisation of the system of social services and substitute care in the Slovak Republic"[14] ("DI Strategy") which constitutes an official commitment to the transition from an institutional to a community care system.

178. The main tasks set out in the DI Strategy are:

[92] Act No. 448/2008 Z.z. on social services and on the amendment of Act No. 455/1991 Zb. on trade licensing (the Trades Licensing Act) as amended, as amended.

- The creation of a legal framework supporting deinstitutionalisation in social services;
- Preparation of the National action plan for the transition from institutional to community care in the system of social services for the period 2011-2015;
- Review of the current concept of provision for the execution of court judgements and updating of the concept of provision for the execution of court judgements for the period 2011-2015 with perspective to 2020 (plan for the transformation and deinstitutionalisation of institutional care in children's homes);
- Preparation of the National project to support the deinstitutionalisation of care services;
- Preparation of the National project to support the deinstitutionalisation of substitute care;
- Establishment of an Expert committee on deinstitutionalisation.

179. On 14 December 2011 the Ministry of Labour, Social Affairs and Family of the Slovak Republic approved the "National action plan for the transition from institutional to community care in the system of social services for the period 2011-2015[14]" which is the basic planning and implementation document for the transformation and deinstitutionalisation of the system of social services and substitute care.

180. Tasks under the National action plan for the transition from institutional to community care in the system of social services for the period 2011-2015:

- To create personnel, institutional and financial conditions for the management and implementation of processes involved in the transition from institutional to community care in the system of social services through the establishment of a National centre for support of deinstitutionalisation;
- To prepare and implement the National project to support the deinstitutionalisation of care services;
- To ensure comparability of planning indicators for deinstitutionalisation and their conformity to the objectives of the DI Strategy in the evaluation of the transformation projects of the participating social services facilities;
- To select 5-8 social services facilities (social service homes for children and adults) whose transformation projects and follow-up DI pilot projects will apply for support from the ROP – priority axis 2;
- To prepare a binding standpoint on the transformation projects;
- To prepare, publish and assess a call for pilot projects for temporary financing for new community services established during implementation of the supported DI transformation projects covering the period during which it is necessary for both types of services to operate concurrently;
- To ensure timely, comprehensible and objective provision of public information on the objectives and reasons for DI on the national and especially on the local level;
- To prepare draft legislation supporting deinstitutionalisation and preventing further expansion of services with an institutional culture in the field of labour, social affairs and family;
- To propose the preparation of legislation supporting deinstitutionalisation and preventing further expansion of services with an institutional culture in other relevant areas;

- To standardise selected programmes and activities from the pilot phase to create the basis for implementation of the DI programme in the period 2016-2020;
- To test new community care services that make it better targeted and more accessible for people who are dependent on it;
- To carry out objective monitoring of progress in the implementation of the pilot phase of the implementation of the DI Strategy and, based on this process, to make an assessment of the results of the transition from institutional care to community care in every DI facility. To determine specific deinstitutionalisation objectives, procedures and tasks for other facilities for children, young people and adults with disabilities in the period 2016-2020 based on an overall assessment of the pilot phase's results;
- To use knowledge acquired in the implementation of the National action plan for the transition from institutional to community care in the system of social services for the period 2011-2015 in the preparation and implementation of the overall objectives of the DI Strategy including use of available support mechanisms in the period after 2015.

181. The "National project to support the deinstitutionalisation of social care services" is currently in preparation with the aim of implementing the pilot transformation and deinstitutionalisation of selected social services facilities in the Slovak Republic. The national project is implemented by the Education Centre of the Ministry of Labour, Social Affairs and Family in cooperation with the Ministry of Labour, Social Affairs and Family and selected specialist partners. The national project will receive support as part of the Operational Programme "Employment and Social Inclusion" amounting to EUR 1 050 000. The main objective of the national project is to support the process for the transformation and deinstitutionalisation of social services, which will free the recipients of these services from dependence on a single institution and instead offer them a range of high-quality public services that will enable them to live free and independent lives with the support of the community (experts, family members, volunteers). The national project will include the implementation of four basic framework activities.

182. In connection with this national project, it is planned to implement pilot projects for the temporary financing of new community services established during implementation of the supported DI transformation projects covering the period during which it is necessary for both types of services to operate concurrently, which will be financed from the Operational Programme Employment and Social Inclusion, and investment projects financed from the Regional Operational Programme, priority axis 2.

183. On 8 March 2012 the Ministry of Labour, Social Affairs and Family approved the statutes and rules of procedure of the Expert committee for deinstitutionalisation, which is an interdepartmental advisory body of the minister of labour, social affairs and family for the area of transformation and deinstitutionalisation.

184. In order to support the integration of foreigners in Slovakia in the social and health care systems, the Ministry of Labour, Social Affairs and Family has for the first time published information on its website in Slovak and English to inform foreigners in Slovakia about social, pension, health and accident insurance.

185. A number of institutions in the area of competence of the Ministry of Culture contribute to the involvement in society of persons with disabilities through the development of cultural provision for persons with visual impairments and support for their social integration. Some of the institutions concerned are: The Slovak National Theatre (captioning for performances, performances for deaf children, bulletins in Braille, provision of discount tickets for persons with disabilities), the Centre for folk art production (creative

workshops), the Slovak National Gallery, the Slovak National Library, the University Library, the Slovak Technical Library, the Slovak National Museum. All these institutions organise creative interactive events and informal education events in the form of creative and artistic workshops, seminars and lectures for persons with disabilities. The Ministry of Culture supports cultural events for all types of disability (visual, hearing, physical, mental, cognitive disorders etc.) with the priority being children and young people. All organisations of the Ministry of Culture provide discounts for persons with disabilities (in 2011 the Ministry of Culture recommended a discount of 90% of the cost of a ticket).

186. An insured person who has an identity card for a severe disability[93] is exempt from payment for statistical processing of a medical prescription in connection with the issuing of medical aids prescribed on one prescription and is also exempt from transport charges.[94] More than 52% of the medical aids in the list of medical aids[95] fully or partially paid for by public health insurance require no co-payment by the patient. A person with a disability can choose a medical aid in each group of medical aids that requires no co-payment.

187. By introducing a limit on insured persons' co-payments for medicines in 2011 the Ministry of Health of the Slovak Republic increased the accessibility of medicines for persons with disabilities. At the same time it introduced a system of payments for medicines designed to minimise increases in spending on medicines. It increased the number of medicines on which there is a protective limit on co-payments for medicines, thanks to which medicines for persons with disabilities and older people will be cheaper. From 2012, in accordance with the act on medicines[96] the limit covers all medicines registered in the categorisation list of medicines and not only those that are paid for by a health insurer. This is a major extension that will affect a much wider group of citizens than the previously defined limit.

188. In accordance with the act on military veterans[97] care is provided for military veterans. The Ministry of Defence of the Slovak Republic provides the following services for military veterans:

- Examinations and checks of health condition, supervision and treatment after return from military service outside Slovakia;
- Recreational care in recreational facilities of the ministry;
- Spa treatment in spa institutions.

189. Recreation and spa treatment is provided to veterans under a general cooperation agreement between the company Vojenské zdravotnícke zariadenia, a. s. Piešťany and the Union of military veterans of Slovakia.

---

[93] Section 16 of Act No. 447/2008 Z.z. on cash benefits to compensate for the severe disability and on the amendment of certain acts, as amended.

[94] Section 38 of Act No. 577/2004 Z.z. on the extent of health care paid for from public health insurance and on payments for services connected with the provision of health care, as amended.

[95] http://www.google.sk/#hl=sk&sugexp=frgbld&gs_nf=1&pq=kategoriz%C3%A1cia%20liekov&cp=31&gs_id=k&xhr=t&q=Zozname+zdravotn%C3%ADckych+pom%C3%B4cok&pf=p&sclient=psyab&oq=Zozname+zdravotn%C3%ADckych+pom%C3%B4cok+&aq=&aqi=&aql=&gs_l=&pbx=1&bav=on.2,or.r_gc.r_pw.r_qf.,cf.osb&fp=1cab4289ded50ef4&biw=1280&bih=827

[96] Act No. 363/2011 Z.z. on the scope and conditions of reimbursement for medicines, medical aids and dietetic foods based on public health insurance, and on the amendment of certain acts.

[97] Act No. 463/2003 Z.z. on military veterans and on the amendment of Act No. 328/2002 Z.z. on social security for soldiers and on the amendment of certain acts, as amended, as amended.

Article 20 – Personal mobility

190. The act on cash benefits to compensate severe disability[6] permits the following benefits to support the personal mobility of natural persons with severe disabilities:

- Cash allowance for personal assistance (Section 22);
- Cash allowance for the purchase of aids, cash allowance for training in the use of aids, cash allowance for the modification of aids (Section 24);
- Cash allowance for the repair of aids (Section 32);
- Cash allowance for the purchasing of lifting equipment (Section 33);
- Cash allowance for the purchase of a car (Section 34);
- Cash allowance for transport (Section 36);
- Cash allowance for the modification of an apartment, cash allowance for the modification of a house and cash allowance for the modification of a garage (Section 37);
- Cash allowance to compensate for increased costs (Section 38);
- Parking card (Section 17).

191. To facilitate personal mobility, the social services act provides for a transportation service (Section 42) providing transport for a natural person with a severe disability who is dependent on individual transport by car or a natural person with an unfavourable health condition and reduced mobility and orientation.

192. Operational Programme Transport[98] ("OPT"), approved by the Decision of the European Commission No. C(2007)4299 of 13.09.2007 address the rights of persons with disabilities in Section 6 – Horizontal Priorities (HP), Sub-section 6.2 Equal Opportunities (EO). In the programming period 2007-2013 the Management Authority (MA) for OPT is carrying out mainly "large projects" under OPT; these projects involve investment in the modernisation and development of transport infrastructure. MA OPT and the beneficiaries contribute to fulfilment of the articles of the Convention through specific activities within projects funded from European Union funds.[99]

193. The following projects are relevant.

(1) Project for the renovation of the rolling stock of Železničná spoločnosť Slovensko, a.s. for local and interregional public rail transport in Slovakia. This project includes the procurement of modern train units (32 units) equipped with the following features:

- Ramp for boarding by passengers with reduced mobility;
- A system for notifying the driver of use of the ramp (a safety feature preventing the doors from closing while immobile passengers are boarding);
- Braille signs;

---

[98] http://www.telecom.gov.sk/index/index.php?ids=17111

[99] The requirements for the given projects are based on Regulation (EC) No 1371/2007 of the European Parliament and of the Council on rail passengers' rights and obligations and the Commission decision of 21 December 2007 on concerning the technical specification of interoperability relating to 'persons with reduced mobility' in the trans-European conventional and high-speed rail system notified under document C (207) 6633

- An acoustic and optical information system, a safety camera system;
- Seats for the physically disabled marked with a pictogram, a button to call assistance;
- WC for the physically disabled.

(2) Analysis of the current situation and proposal of a concept of fulfilling tasks resulting from the charter of rights of passengers and persons with disabilities. The analysis contains information on real fulfilment of the process for transporting persons with reduced mobility.

(3) Project to ensure that people with reduced mobility have access to railway transport The objective of the above project is to carry out structural modifications to ensure the accessibility of station buildings and platforms in selected railway stations. The project will include:

- Access for passengers with reduced mobility within the station by means of structural modifications such as ramps, wider doors suitable for wheelchair users, accessible means for crossing to platforms;
- The installation or reconstruction of sanitary facilities for wheelchair users. Easy access to sanitary facilities for wheelchair users;
- Technical aids – lifting platforms for wheelchair users.

(4) Railway infrastructure projects (during the modernisation of selected railway lines it is planned to install elements to ensure transport is accessible to persons with disabilities[100]). The following measures are planned:

- Guidelines for the visually impaired on pavements;
- Subways;
- Lifts;
- Access ramps, crossings and building modifications to ensure the accessibility of trains and railway services;
- Visual and audio information systems for passengers – intercom, information signs.

194. Železničná spoločnosť Slovensko, a.s. provides a discount of 50% compared to the usual price of a second-class ticket to passengers who have an identity card as a person with a severe disability.[93] The person accompanying the holder of an identity card as a person with a severe disability requiring accompaniment is entitled to travel free of charge and a wheelchair is carried free of charge in the service carriage.

195. Natural persons with a severe disability are exempt from charges for the use of motorways and first-class roads. In accordance with the act on roads,[101] reimbursement is not paid for motor vehicles and vehicle sets for which a citizen with a severe disability receives a cash allowance as compensation for increased expenditure in connection with the operation of a car under the act on cash benefits to compensate severe disability.[6]

196. Issues relating to non-discrimination and the exercise of the rights of persons with disabilities and persons with reduced mobility in the area of civil aviation are regulated by

[100] In accordance with the Commission decision concerning the technical specification of interoperability relating to 'persons with reduced mobility' in the trans-European conventional and high-speed rail system (2008/164/EC) published on http://www.telecom.gov.sk/index/index.php?ids=60401.

[101] Section 6(6)(ch) of Act No. 135/1961 Zb. on roads (the roads act), as amended.

the EU regulation concerning the rights of disabled persons and persons with reduced mobility when travelling by air,[102] which lays down rules for the protection and provision of assistance services for persons with disabilities or reduced mobility when travelling by air, in order to protect them against discrimination and ensure that they receive assistance. Application of the above regulation is supervised by the Ministry of Economy of the Slovak Republic because the issue is treated as a consumer rights issue.

197. One of the things that is most important to the needs of persons with disabilities and for their inclusion in everyday life is the provision of medical aids, which can be provided free of charge or with partial reimbursement from a health insurer if they are prescribed by a physician. A patient should receive a medical aid almost as soon as a structural or functional disorder of the organism is detected for which compensation is possible. With regard to the specific needs of persons with disabilities, the most important medical aids are medical aids for incontinent patients, diabetics, patients with stomas, breast prostheses for women after mastectomy, individually and bulk made orthopaedic-prosthetic aids, rehabilitation and compensation aids, wheelchairs and buggies, walkers, lifters, adjustable beds, hearing aids, acoustic spectacles, electronic larynx, spectacles and aids for persons with visual impairments. For people who have had a limb amputated and have subsequent problems with mobility and locomotion, it is important that a provided prosthetic limb be able to cope with more difficult conditions, especially in the case of young people or people of productive age who wish to continue in employment or to retrain for a new occupation.

198. The Ministry of Health cooperates closely with organisations representing persons with disabilities to identify the needs and requirements of patients with various diagnoses. This has led to a change in conditions for the provision of electric wheelchairs to insured children. Previously the law allowed an electric wheelchair to be provided to children from eleven years of age, but now they can be provided as early as three years of age. In accordance with this change, with effect from 1 October 2011, patients may be prescribed both types of wheelchair – electrical and mechanical (both steel and lightweight types) for transport of the patient by another person, provided that they are able to remain seated without assistance.

199. An effective measure to ensure personal mobility with the greatest possible independence for persons with disabilities is permission for an applicant for a driving licence to take the practical driving test in an adapted vehicle. If the person taking the test is hard of hearing and dependent on interpreting, the test can be conducted with interpreting (oral interpreting or sign language interpreting).

Article 21 – Freedom of expression and opinion, and access to information

200. Article 26(1) of the Constitution of the Slovak Republic states that freedom of expression and the right to information are guaranteed. According to paragraph 2, everyone has the right to express his or her views in words, writing, print or by other means, and also to freely seek out, receive and disseminate ideas and information regardless of state borders.

[102] Regulation (EC) No 1107/2006 of the European Parliament and of the Council of 5 July 2006 concerning the rights of disabled persons and persons with reduced mobility when travelling by air http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:32006R1107:SK:NOT

201. The conditions, procedure and extent of free access to information is regulated by the act on free access to information,[103] which came into effect in May 2000.

202. Under Section 6 of the social services act, a natural person has the right to access to information in a comprehensible form on the kind, location, objectives and method of provision of a social service, on payments for social services and on the target group to which it is provided.

203. A recipient of social services also has the right to participate in the setting of living conditions in social services facilities through the elected representatives who participate in the drafting of home rules, the handling of matters relating to the conditions and quality of social service provision and the selection of activities taking place in free time. In the case of a child with disabilities, they may take part in decisions on living conditions themselves or through their legal representative or guardian.

204. The right to freedom of expression and opinion can also be exercised through an interpreting service provided under the social services act (Section 44) in which natural persons receive interpreting in sign language, oral interpreting or tactile interpreting.

205. Another measure ensuring freedom of expression and opinion and access to information is the act on cash benefits to compensate severe disability,[6] in particular through the provision of a cash allowance for personal assistance and a cash allowance for the acquisition of aids.

206. Pursuant to the act on experts, interpreters and translators, the Ministry of Justice of the Slovak Republic keeps and regularly updates a register of sign language interpreters. As at 15 March 2012 this register contained 11 natural persons (9 women and 2 men) for the whole territory of the Slovak Republic.

207. The objective of the amendment of the act on free access to information[103] was to permit persons with sensory disabilities to have access to information in forms that are accessible for them.[104]

---

[103] Act No. 211/2000 Z.z. on free access to information and on the amendment of certain acts (the freedom of information act), as amended.

[104] Section 16 of Act No. 211/2000 Z.z., as amended by Act No. 207/2008 Z.z.:

(2) Admissible forms in which information may be made available to an applicant who is blind or partially sighted pursuant to this act are as follows:

a) blind (Braille) writing or

b) enlarged fonts.

(3) A blind person may request access to information in an accessible form pursuant to subsection (2)(a) When submitting the request they shall enclose a copy of their identity card as a citizen with a severe disability with a red band, on the reverse of which the type of disability indicated is "Blind".

(4) A partially sighted person may request access to information in an accessible form pursuant to subsection (2)(b) When submitting the request they shall submit a copy of their identity card as a citizen with a severe disability.

(5) If an applicant falling under subsection 2 states in an application that he or she requests access to information in an accessible format, the obliged person is obliged to provide information in the requested accessible format. An obliged person that does not have access to special equipment adapted for writing and printing Braille may ask a person who has access to such equipment to make an immediate translation of the provided information. If the volume of information requested cannot reasonable be provided in an accessible format, the obliged person will make the requested information or a part thereof available in another suitable format under Section 16(1). The obliged person is not entitled to reduce the total scope of information provided if the applicant is entitled to such information by law.

208. The Council for Broadcasting and Retransmission is an administrative body whose mission is to promote the public interest in exercising the right to information, free expression and the right to access to cultural values and education.

209. The legal regulatory framework for the content of television broadcasting is laid down by the act on broadcasting and retransmission.[105] The following provisions of the act on broadcasting and retransmission are relevant to the right of people with disabilities to have access to information through television broadcasts:

- Under Section 18(2) a broadcaster established by law is obliged to ensure that in the national broadcasting of a television programming service that is not broadcast digitally at least:

    1. 25% of all broadcast programmes in each programming service are accompanied by concealed or open subtitles;

    2. 1% of programmes broadcast in at least one programming service are interpreted into deaf sign language or are broadcast in deaf sign language;

- Under Section 18(3) a broadcaster established by law is obliged to ensure multi-modal access to programming services such that in every television programming service that is broadcast digitally at least:

    1. 50% of all broadcast programmes are accompanied by concealed or open subtitles;

    2. 3% of all broadcast programmes are interpreted into deaf sign language or are broadcast in deaf sign language;

    3. 20% of all broadcast programmes are accompanied by a voice commentary for the blind;

- Under Section 18a a licensed broadcaster is obliged to ensure multi-modal access to programming services such that in every television programming service that is broadcast digitally at least:

    1. 10% of all broadcast programmes are accompanied by concealed or open subtitled or interpreted into deaf sign language or are broadcast in deaf sign language;

    2. 3% of all broadcast programmes are accompanied by a voice commentary for the blind.

210. A broadcaster and a provider of audiovisual media services is obliged, on request, to clearly label all programmes that are accompanied by concealed subtitles, open subtitles, voice commentary for the blind or are interpreted into deaf sign language or provided in deaf sign language. Under Section 18b(2) the broadcaster is obliged to apply this label in broadcasts of programmes, in announcements of the broadcasting of such programmes and in the programme guide of its own programmes and the programme schedule that it provides for publication in the periodical press and other mass information media. Under

(6) If the applicant is deaf or hard of hearing, they shall specify in the application which format under Section 16(1) they wish to have access to information in.

(7) An applicant falling under subsections 3, 4 and 6 and the obliged person may agree on another format in which information will be made available.

[105] Act No. 308/2008 Z.z. on broadcasting and retransmission and on the amendment of certain acts, as amended.

subsection 3, the provider of an on-demand audiovisual media service is obliged to apply the label pursuant to subsection 1 in the its programme catalogue.

211. At the time of writing, the Council has imposed four sanctions for violations of the above duties in administrative proceedings – notification of a violation of the act (because each case was a first violation of the duty concerned). At present there is no television broadcast with commentary for the blind. Such broadcasting is only in preparation based on administrative proceedings of the Council for Broadcasting and Retransmission.

212. The Ministry of the Environment of the Slovak Republic ensures the mandatory publication of information in accordance with Section 6 of the act on free access to information in a manner permitting large-scale access, by publication on the web pages of the Ministry of the Environment of the Slovak Republic. The web pages are designed to satisfy to the maximum possible extent the rules for website accessibility in the state administration and self-governing authorities that are currently standard in the world.

213. The Slovak Museum of Nature Protection and Speleology in Liptovský Mikuláš has applied for a certificate of accessibility for the museum's website for the blind and partially sighted from the Slovak blind and partially-sighted union.

214. Although the Ministry of the Environment did not process an information request for a person with disabilities in the period from 2009 to 2011, it has the material and legislative conditions to respond to such a request within the mandatory period and in the mandatory form specified by the act on free access to information. The employee handling the request for information shall check whether the request is submitted by a person with a disability and if the request is submitted in person, the employee will receive it in the atrium of the building, which is accessible for persons with disabilities.

215. The website of the Ministry of Health[106] publishes all agreements between health insurers and the providers of health care. Citizens have access to information showing whether the providers of health care in a given town or region were not unfairly disadvantaged by an insurer. This makes it easier for persons with a disability to choose a health insurer and health care provider and significantly limits opportunities for secret deals and corruption. The Ministry of Health also publishes all documents relating to the categorisation of medicines, medical aids and dietetic foods on its website. Every can look up all the information they need on the electronic categorisation portal,[107] which is part of the ministry's website.

216. Publication of information by the prosecution service is regulated by the act on the prosecution service,[108] the act on free access to information[103] and service regulations issued by the prosecutor general.

Article 22 – Respect for privacy

217. Article 19(2) of the Constitution of the Slovak Republic states that "Everyone has the right to protection against unwarranted interference in their private and family life". The above means that the Constitution of the Slovak Republic[21] guarantees protection only against interference that is unwarranted, i.e. interference that is not based on the law, does not serve a specified purpose, does not have regard for the substance and intention of the

[106] http://www.health.gov.sk/Titulka

[107] http://www.google.sk/#hl=sk&sclient=psy-ab&q=kategoriz%C3%A1cia+liekov&oq=kate&aq=0&aqi=g4&aql=&gs_l=hp.1.0.0l4.1485l2328l0l5797l4l4l0l0l0l0l500l844l1j2j5l1l4l0.frgbld.&pbx=1&bav=on.2,or.r_gc.r_pw.r_qf.,cf.osb&fp=1cab4289ded50ef4&biw=1280&bih=827

[108] Act No. 153/2001 Z.z. on the prosecution service, as amended.

limited fundamental right or freedom or is not a necessary and proportionate method for achieving the set objective. In accordance with the purpose of the right to privacy, public authorities, natural persons and legal entities may interfere in the private and family life of others only when the interference can be deemed warranted (I. ÚS 13/2000, Collection of findings and rulings of the Constitutional Court of the Slovak Republic 2001, pp. 272-273).

218. The provisions of Section 11 of the Civil Code guarantee the right of every natural person to protection of their personality, in particular their life and health, civic honour and human dignity, and also their privacy, name and expressions of a personal character. Written material of a personal character, likenesses, photographs and video and audio recordings relating to a natural person or the person's expressions of a personal character can be made or used only with the permission of the person concerned. Consent is not required if written material of a personal character, likenesses, photographs, video and audio recordings are made or used for official purposes in accordance with the law. Likenesses, photographs and video and audio recordings can also be made or used without the consent of the person concerned if they are used in a reasonable manner for scientific and artistic purposes and for print, film, radio and television news. Such use must not contravene the legitimate interests of the person concerned, however.

219. The purpose of the constitutionally recognised right to privacy is not only to provide protection of the rights recognised in Section 11 of the Civic Code but also to prevent state authorities and local government bodies from engaging in greater than necessary interference in people's behaviour and exercising disproportionate control over their private life (I. US 94/95, Collection of findings and judgements of the Constitutional Court of the Slovak Republic 1995, p. 116).

220. The subject of this right is every natural person (whether a citizen of the Slovak Republic or a foreigner or a stateless person), regardless of whether or not they are a person with disabilities.

221. The provisions of Article 19(3) of the Constitution of the Slovak Republic recognise the protection of personal data. Personal data are also regulated by Article 22(1) of the Constitution of the Slovak Republic. The object of protection under Article 22(1) is the provision of a state guarantee that data obtained for statistical purposes will not be used illegally.

222. The issue of protection of the personal data of persons with disabilities is regulated in detail in the personal data protection act.[109] This act regulates the protection of the personal data of natural persons during their processing, the rules for the processing of personal data, the security of personal data, protection of the rights of affected persons, the cross-border transfer of personal data, the registration and recording of information systems and also the establishment, status and powers of the Office for personal data protection of the Slovak Republic. For the purposes of this act, personal data are data relating to an identified or identifiable natural person, where such identification is based on direct or indirect information, in particular a generally usable identifier or one or more characteristics or signs constituting the person's physical, physiological, psychological, mental, economic, cultural or social identity.

223. The Office for personal data protection of the Slovak Republic has established a unit for the inspection of personal data protection that carries out independent supervision of the protection of personal data and contributes to the protection of the fundamental rights and freedoms of natural persons as they relate to the processing of personal data. The activities of the office focus in particular on inspection of personal data protection including checking

[109] Act No. 428/2002 Z.z. on the protection of personal data, as amended.

of the information systems of operators and investigation of claims made by affected persons or other natural persons that their rights laid down by the personal data protection act have been violated, and complaints made to the Office by legal entities and other natural persons. It also participates in the coordination of cooperation with European Union bodies, international institutions and foreign offices for personal data protection.

224. Since the right to privacy can be limited only by law, Slovak law defines such limitations in a number of areas. Limitation of the right to privacy is possible in the necessary extent and for the necessary period.

225. In the area of communications, the right to privacy is protected by the act on electronic communications,[39] section 55 of which defines the concept of telecommunications secrecy.

226. A significant protection of the right to privacy is the act on the protection of privacy against unwarranted use of means of transmitting information.[110] It strictly defines the state authorities' ability to infringe on the right to privacy through the use of means of communicating information without the prior consent of the person whose privacy is infringed.

227. Under the act on cash benefits to compensate severe disability,[5] an employee of a competent office or the central office, an employee of the ministry and an employee of a health care provider involved in the provision of a compensatory cash benefit, the issuing of an identity card or parking card or other tasks under this act must not disclose any matters that they become aware of in the connection with such tasks. The above duty remains in force after the termination of employment or service. Information on matters connected with compensation, an identity card or a parking card shall be provided only if non-disclosure would endanger the life or health of natural persons or if the duty is laid down by applicable legislation. Otherwise, the information may be provided to other persons only with the written consent of the natural person to whom the information relates.

228. Under Section 6 of the social services act, the recipient of a social service in a facility has the right to non-interference with his or her personal space except in urgent cases where entry is necessary for the protection of the life, health or property of the natural person, for protection of the rights and freedoms of other natural persons or the protection of the property of the facility.

229. Section 105 of the social services act states that during the provision of social services employees performing work relating to social services (employees of the Ministry of Labour Social Affairs and Family of the Slovak Republic, employees of a municipality or higher-tier territorial unit or provider of social services) must not disclose information that they become aware of in connection with the provision of social services and in connection with the performance of tasks pursuant to the act on social services. If there is not a direct threat to the life or health of the recipient or if it is not stipulated by other applicable legislation, information can be provided to other subjects only with the consent of the social service recipient.

230. Protection of the confidentiality of personal information and information on the health condition and rehabilitation of persons with disabilities on an equal basis with others is also guaranteed in the act on health care.[82]

[110] Act No. 166/2003 Z.z. on the protection of privacy against the unwarranted use of means of transmitting information and on the amendment of certain acts (the act on protection against communication interception), as amended.

231. In addition to other means of protection for privacy, the law of the Slovak Republic provides for the protection of privacy through the criminal law. An amendment of the Criminal Code (Section 194a, entered into force 01.09.2011) responded to increasing cases of unwarranted attention, or stalking (obsessive harassment of an individual by another person). The perpetrator actively collects information on the victim and his or her private life, family, habits and so on. It is also a crime to collect information using audio and video recording equipment. The legal classification of such actions depends on the intensity of the attack and the perpetrator's for his or her actions. Aggravating circumstances are defined to increase protection for protected persons.

Article 23 – Respect for home and the family

232. According to the provisions of Article 41(1) of the Constitution of the Slovak Republic, marriage, parenthood and family are protected by law. Special protection is also guaranteed for children and young people.

233. In accordance with Article 9 of the Convention on the rights of the child and Article 41 of the Constitution of the Slovak Republic, children are never separated from their parents against their will except in cases where it is in the interest of the child (for example, in cases where parents abuse or neglect their children).

234. The regulations controlling measures for the socio-legal protection of children and social rehabilitation specify the situations in which they can be offered, the situations in which they must be offered and when an intervention must take place. They are carried out for children (all children in the territory of the Slovak Republic regardless of whether they are or are not citizens of the Slovak Republic, including children that are not citizens of the Slovak Republic and who are in Slovakia without their parents – unaccompanied minors), their parents, other legal representatives, adults (special measures for adults up to 25 years of age – young adults), foster families.

235. Special attention is given to situations of crisis and conflict. The authorities for the socio-legal protection of children and social rehabilitation arrange the assistance of specialised institutions and participation in programmes and activities organisation by municipalities, higher-tier territorial units and accredited subjects to prevent the occurrence of crises in the family and to limit and eliminate negative effects for children, families and adults. Measures taken for the socio-legal protection of children and social rehabilitation can also include the arrangement or performance of mediation, specialised techniques for adaptation to a new situation and psychological counselling for families with specific problems including a specific problem relating to the disability of a family member and families that have found themselves in a crisis.

236. In addition to other methods for preventing family crises and limiting or eliminating negative effects, the authorities for the socio-legal protection of children and social rehabilitation carry out "upbringing measures". Although there are a range of upbringing measures from less to more serious interventions, all involve interference in the rights and duties of parents. Upbringing measures are selected according to an assessment and evaluation of the social situation of the child and his or her family, with priority being given to measures carried out in the child's natural family environment (e.g. upbringing and social programmes, social counselling etc.) and specialised non-residential care (e.g. for the purposes of diagnostics etc.). If it is necessary to remove a child from his or her natural environment, preference is given to upbringing measures by which the child is placed in a crisis centre, resocialisation centre, professional diagnostics facility or specialised facility for a maximum of six months (measures of a residential character can be ordered only by a court, non-residential upbringing measures can be decided on by an authority for the socio-legal protection of children and social rehabilitation by an administrative decision).

237. The most serious intervention in relations between parents and children is the removal of a child from parental and the placement of the child in substitute care. Special attention is given to measures to establish a substitute family environment – these are measures that must be taken if a child's parents do not or cannot provide personal care for the child and the child cannot be placed in the personal care of a closely related person other than the parents. In this case the competent authority for the socio-legal protection of children and social rehabilitation arranges the fostering or adoption of the child (substitute family care) on equal terms for children with disabilities. The act[81] lays down in detail the content and procedure of the arrangement of substitute family care. An emphasis is placed on the child's feelings and also the preparation of the child for alternative family care, and also the preparation of candidates to provide alternative family care.

238. In the ranking of forms of substitute family care, institutional care is considered the most serious form of substitute family care, which is used only in exceptional cases, only when the child's upbringing is seriously endangered or seriously disturbed and other upbringing measures have not succeeded or if the parents are unable to provide personal care of the child or for other serious reasons. An important feature of institutional care is its temporary character.

239. Higher-tier territorial units, municipalities, accredited subjects and the Central office of labour, social affairs and family can establish the following types of facilities for the performance of measures for the socio-legal protection of children and social rehabilitation: children's homes, children's homes for unaccompanied minors, crisis centres, resocialisation centres for drug and other addictions, and other facilities established for the performance of measures under the act on the socio-legal protection of children and social rehabilitation.

240. A children's home is an environment created and organised for the purposes of executing a court order for institutional care, a temporary measure and for the performance of upbringing measures; it acts as a substitute for the child's natural environment from birth to the end of institutional care. If institutional care ends with a child's coming of age, the young adult may request further care in a children's home. Care can be provided for young adults until they become independent, which means until they are able to provide for their own needs, including accommodation, but not beyond the age of twenty-five years, with the possibility of a two-year extension if they are in education. When a young adult leaves a children's home in which he or she has received institutional care, he or she is paid a lump sum to facilitate becoming independent. The children's home shall prepare a plan for preparing for independence at least one year before the child comes of age. Preparation of young adults for becoming independent includes the implementation of programmes to support young adults in preparing for a future career, finding work, housing, handling money, preparing for responsible parenting and relationships and other aspects of successful integration in life.

241. The children's home keeps records of the mental, physical and social development of every child placed in the facility by court order. In addition, an individual plan is made for the development of every child's personality. This includes an education plan and a plan for social work with the child and his or her family drawn up in cooperation with the municipality and the competent authority for the socio-legal protection of children and social rehabilitation, which is based on the plan for social work with the child's family.

242. A children's home comprises various organisational units – professional families, diagnostic groups, independent groups and specialised independent groups.

243. The provision of institutional care in the home environment of a professional parent is considered the optimal solution for balancing the child's best interest and the order for institutional care.

244. With effect from 1 January 2009, children's homes are classified as follows:

- Homes for children (professional family, independent groups in houses such that in one house there is at most one independent group or diagnostic group); or
- A centre for children (buildings with a capacity up to 40, professional families, houses). This change includes a strict new requirement that a building that is not a separate house or apartment can have groups of at most forty children.

245. As part of the on-going process for the transformation of substitute family care, and increasing efforts in this area, the government of the Slovak Republic adopted the Strategy for the deinstitutionalisation of the system of social services and substitute care in the Slovak Republic.[13] In addition to the basic initial conditions for the deinstitutionalisation strategy in the substitute family care system, the strategy sets out the concept and initial conditions for deinstitutionalisation in relation to international obligations and trends, a description of the current situation in the stated areas of institutional care in Slovakia, a definition of the basic objective and the specific objectives of the strategy and an outline of the main measures intended to achieve them.

246. Strategic tasks to support the deinstitutionalisation of substitute family care are incorporated into the new concept of provision for the execution of court judgements in children's homes for the years 2012-2015 with perspective to 2020 – Plan for the transformation and deinstitutionalisation of substitute family care. The individual tasks and procedures of the concept for the deinstitutionalisation of substitute family care incorporate the objectives and requirements of the United Nations Guidelines for the Alternative Care of Children, Recommendation Rec (2005)5 of the Committee of Ministers of the Council of Europe on the rights of children living in residential institutions, taking into account conditions in the Slovak Republic, and respect the principles and recommendations given in the Report of the ad hoc expert group to the European Commission on the transition from institutional to community-based care.

247. It is a plan with specific measures to support the execution of measures for the socio-legal protection of children and social rehabilitation in the natural environment of families, to support substitute family care (including formal care by relatives) and to reduce the number of children living in institution care, at the same time giving great attention to support for the development of professional parenting. The measures create conditions for a further increase in the number of children placed with professional parents. At present the law requires that every child under the age of six years is placed only in a professional family if they cannot for some reason grow up in their own family or a substitute family; from 2015 every child under the age of eight years and from 2020 every child under the age of ten years will be placed in a professional family in a children's home (exceptions are permitted in cases where sibling ties must be maintained or where the child's health condition requires special care in a specialised independent group). The concept for the deinstitutionalisation of substitute family care has a specific timetable for the performance of tasks in the short and medium term that takes into consideration the key factors of children's needs and their readiness for change. The objective of the changes is to avoid the placement of children in facilities for the execution of court orders, to reduce the numbers of children in institutional care, to provide for the execution of court orders in professional families and small facilities on the community level, to avoid repeated failures in families after children return from facilities for the execution of court orders. A national project is being drawn up to implement the objectives laid down by the concept for the deinstitutionalisation of substitute care.

248. A specific objective of transformation and deinstitutionalisation in substitute family care is to reduce the number of children placed in institutions based on a court order and to create conditions for the introduction and integration of preventative measures to avoid the

ordering of institutional care with measures to reduce the negative effects of institutionalisation on a child's development.

249. In the context of state benefits, the parental rights of parents with disabilities are full respected. Parents with disabilities are entitled to receive each benefit (e.g. child allowance, parental allowance, allowance and supplement for the birth of a child) on the same basis as other parents. They also have the same duties in connection with entitlement to state social benefits – the duty to provide care for the child.

250. In the case of substitute family care, if a court orders substitute care for a child pursuant to the act on the family,[111] substitute parents with disabilities have the same right to apply for an allowance to support substitute care for a child as other substitute parents. The act on allowances to support substitute care for a child[112] does not include provisions that would limit the right of substitute parents with disabilities to claim allowances – a repeated allowance for a substitute parent.

251. If a substitute parent, including a substitute parent with disabilities, is entrusted with the care of a child with a severe disability, they can claim a special repeated allowance for a substitute parent if they do not receive an allowance for care when caring for a child with a severe disability, if a care service is not provided for the child or if the child does not receive a cash allowance for personal assistance.

252. The right to establish and maintain social ties with family is respected also in the case of recipients of social services in a social services facility under the act on social services.[92]

253. The Ministry of Health of the Slovak Republic has adopted a number of measures to support the home and family of persons with disability and their integration in society. The basic aim is to create and ensure conditions for every citizen dependent on medical assistance to live a free and independent life in a natural home environment through a range of complementary services. The decree[113] of the Ministry of Health of the Slovak Republic specifies the information that must be provided to a woman when she requests the artificial termination of pregnancy and gives a template of written information to be provided; the provision of this information is a precondition for informed consent. It also designates the National centre for medical information as the organisation responsible for receiving and evaluating reports on the provision of information on the artificial termination of pregnancy. It also sets conditions for the publication of associations that provide women with financial, material and psychological assistance during pregnancy.[114] The list of civic associations, non-profit organisations, foundations, churches and religious societies is published on the website of the Ministry of Health.[115]

254. In 2011 the Ministry of Health distributed to all health care facilities in Slovakia a form in Roma language to be used when obtaining informed consent for sterilisation in the

---

[111] Sections 45, 48 and 56(2) of Act No. 36/2005 Z.z. on the family and on the amendment of certain acts, as amended.

[112] Act No. 627/2005 Z.z. on allowances to support substitute care for a child, as amended.

[113] Decree of the Ministry of Health of the Slovak Republic No. 417/2009 Z.z. concerning particulars of information provided to a woman and the reporting of the provision of information, a template for written information and designating the organisation responsible for receiving and evaluating reports.

[114] Decree of the Ministry of Health of the Slovak Republic No. 418/2009 Z.z. concerning particulars and conditions of publication in the list of civic associations, non-profit organisations, foundations, churches and religious societies providing financial, material or psychological assistance to women during pregnancy.

[115] http://www.health.gov.sk/?pristup-k-informaciam-1

case of Roma women with a view to ensuring the consistent application of assistance for people with disabilities under the act on health care.[82]

Article 24 – Education

255. Upbringing and education in Slovakia is carried out in compliance with the generally binding legal regulations on the principles of equality of access to upbringing and education while taking into consideration the upbringing and educational needs of individuals and their co-responsibility for their education, on the basis of the prohibition of all forms of discrimination, segregation in particular, and on the principles of free-of-charge education in kindergartens one year prior to compulsory school attendance and education at state elementary and secondary schools.[116]

256. The School Act[117] guarantees children and pupils with disabilities the right to upbringing and education using specific forms and methods corresponding with their needs and for the creation of necessary conditions and which enable this education. The obligation to create conditions for ensuring upbringing and education necessary for children and pupils at schools and school facilities is established by the Act on State Administration of Education and School Self-government.[118] In compliance with this, if there is only one school in the competence of the founder (municipality) to which the child with a disability belongs according to his/her permanent residence, the headmaster/headmistress of this elementary school may not refuse to accept a pupil with a disability, even if he/she can not ensure care for the pupil provided by a special school pedagogue or due to insufficiently created other conditions, which however need to be ensured as soon as possible in order to not violate the legal right of this pupil for special forms and methods in his/her education and upbringing. If there is another school within the competence of the founder (municipality) which has conditions for upbringing and education corresponding to the individual needs of the pupil with a disability, the founder may resolve the upbringing and education of the student with a disability by placing him/her in such school with the consent of his/her legal representative.

257. In 2011, in the process of amending a section of the provision[119] of the regulation of the Ministry of Education of Slovakia on elementary schools, it was decided that no more than three pupils with disabilities may be placed in one elementary school class. Thus, everyone now has the possibility of access to education depending on the capacity of the schools.

258. Another measure relates to the possibility of placing several pupils with disabilities in one class; the school headmaster/headmistress may provide a bonus to teachers for the performance of pedagogical activities in an elementary school class in which at least 30% of such pupils are mainstreamed pursuant to a special regulation,[120] if no teacher's assistant works in the class at the same time. The amount of the bonus is regulated by the employer

[116] Article 3 of Act No. 245/2008 Coll. on Upbringing and Education (School Act) and on amendments and supplements to certain Acts as amended.

[117] Article 144 Paragraph 2 and 3 of Act No. 245/2008 Coll. on Upbringing and Education (School Act) and on amendments and supplements to certain Acts as amended.

[118] Article 6 Paragraph 3 letter c) and Article 9 Paragraph 4 of Act No. 596/2003 Coll. on State Administration in Education and School Self-government and on amendments and supplements to certain Acts as amended.

[119] Article 13 Paragraph 2 of the Regulation of the Ministry of Education of Slovakia No. 320/2008 Coll. on Elementary School as amended.

[120] Article 29 Paragraph 5 of Act No. 245/2008 Coll. on Upbringing and Education (School Act) and on amendments and supplements to certain Acts as amended.

in the internal regulations of the school depending on the number of his/her hours of direct weekly classroom teaching; the teacher must teach at least 4 hours a week, and the percentage of pupils with disabilities in the class must be at least 30%. The maximum bonus is 2.5% of the basic salary of the 12th pay level of the first monthly pay rate.

259. The pedagogical assistant participates in creating equality of opportunities in upbringing and education and in overcoming physical, information, language, and health, social and cultural barriers.[121] According to the requirements of the teacher, educator or vocational training trade-master, the pedagogical assistant participates in the implementation of the school educational programme for students with disabilities at kindergartens, elementary schools, schools for gifted children or pupils and special schools and the educational programme for children and pupils in the compulsory school attendance age. The assistant may also work at secondary schools if it pertains to ensuring the education of students with disabilities. Funding for the wages and salaries, including insurance premiums for compulsory public health insurance and social insurance and contributions for complementary pension savings for teacher's assistants for students with disabilities may be allocated by the Ministry of Education, Science, Research and Sports of Slovakia under the Ministry chapter upon the request of the founder of the public school. The Ministry of Education annually publicizes the list of schools and their founders that were allocated funding on its website not later than 30 working days after the Act on the State Budget enters in to effect.

Data on number of teacher's assistants

	KG	*ES*	*GS*	*SVS*	*SKG, SES*	*SSS*	*Total*
Data as at 15.9.2007	41	727	x	x	403	x	1,171
Data as at 15.9.2008	54	827	x	x	423	x	1,304
Data as at 15.9.2009	58	765	0	3	459	11	1,296
Data as at 15.9.2010	65	768	4	3	481	11	1,332
Data as at 15.9.2011	56	836	4	3	514	13	1,426

260. The opening statements indicate the total number of teacher's assistants at school regardless of whether they ensure upbringing and education of pupils/students with disabilities or from a socially disadvantage environment. Personal assistants for students with disabilities are not indicated here. (Source of data/ The Institute of Information and Prognoses of Education (IIP[...] Statistical yearbooks).

261. The School Act[122] guarantees children and pupils/students with disabilities the right to use special textbooks and special didactic and compensation aids in upbringing and education. Sight impaired children and pupils/students have the right to upbringing and education with the use of Braille script; the Ministry of Education of Slovakia provides for free approved textbooks, teaching texts and workbooks to schools based on their order, even in transcription into Braille or other suitable forms of transcriptions.[123] In 2011, the Ministry of Education, Science, Research and Sports Slovakia ensured, free of charge, all of the orders of the schools for textbooks for pupils of special elementary schools. The first

[121] Article 16 of Act No. 317/2009 Coll. on Pedagogical Staff and Specialized Staff and on amendments and supplements to certain Acts as amended.

[122] Article 144 Paragraph 3 of Act No. 245/2008 Coll. on Upbringing and Education (School Act) and on amendments and supplements to certain Acts as amended.

[123] Article 13 Paragraph 5 of Act No. 245/2008 Coll. on Upbringing and Education (School Act) and on amendments and supplements to certain Acts as amended.

transcriptions of the new reform textbook in Braille and electronic versions of textbooks for partially sighted pupils on CD medium - textbooks for literature for the 5th, 6th and 7th grades of elementary school were also published. The intent of the Ministry of Education in 2012 is to gradually purchase transcriptions of reformed textbooks into Braille for the 1st and 2nd levels of elementary schools for partially sighted pupils.

262. The right to education using sign language for the hearing impaired as the natural communication means[124] and the right to upbringing and education through alternative means of communication are ensured for children and pupils with impaired communication abilities. Supporting the publishing of publications and data media for schools and school facilities as a complement for textbooks and ensuring the transcription of publications as a complement for textbooks in forms suitable in terms of the possibilities of the perception of pupils with disabilities through published calls for the submission of applications for the provision of subsidies from the budget chapter of the Ministry is also a significant measure. In order to ensure compensation and teaching aids as a condition for educating children and pupils in common schools, the Ministry of Education allocates funding from the budget chapter of the Ministry for the implementation of development projects which are in compliance with the valid legislation[125] targeted on the development of upbringing and education of pupils with disabilities and support in the area of modernizing and renovating compensation aids for pupils with disabilities.

263. In 2011 and 2012, calls were published for the support of the mainstream education of children and pupils, for support of the improvement of the quality of conditions for ensuring education of children and pupils in special schools for whom school integration is either impossible or not beneficial and for the improvement of support services and psychological and special pedagogical counselling.[126]

264. The membership of Slovakia in the European Agency for the Development of Special Education was approved by Slovakia Government Resolution No. 682 of 2 November 2011. Its underlying philosophy is the inclusion of pupils with special educational needs in schools of the main education stream and an emphasis of the role of creating separate schools founded for pupils with special educational needs as resource, educational and methodological and pedagogical centres.[127]

265. The upbringing and education of children and pupils with disabilities in Slovakia is carried out at schools for children and pupils/students with disabilities (at special schools) or in special classes of kindergartens and elementary and secondary schools which, as a rule, are founded for children and pupils/students for the same type of disability or children who are mainstreamed, i.e., in classes or educational groups together with the rest of the children or pupils/students of the school.[128] In compliance with the generally binding legal regulations, the legal representative has the right to choose the form of education for his/her child.

266. The need to carry out the upbringing and education of children and pupils with disabilities in common schools receives priority except in instances in which based on the

---

[124] Act No. 149/1995 Coll. on Sign Language for Deaf People of the National Council of the Slovakia.

[125] Article 4d of Act No. 597/2003 Coll. on the Financing of Elementary Schools, Secondary Schools and School Facilities as amended.

[126] Calls for development projects and subsidies published at http://www.minedu.sk/index.php?lang=sk&rootId=366; http://www.minedu.sk/index.php?lang=sk&rootId=7470

[127] *Source*: http://www.rokovania.sk/Rokovanie.aspx/BodRokovaniaDetail?idMaterial=20365

[128] Article 94, Paragraph 1 of Act No. 245/2008 Coll. on Upbringing and Education (School Act) and on amendments and supplements to certain Acts as amended.

special upbringing and educational needs of the child it is more suitable to ensure his/her education at a school for the disabled(special school).

267. Designing educational programmes for children and pupils with disabilities as part of state educational programmes according to which the school can design school educational programmes with the possibility of school profiling is also a significant change in the upbringing and education of children and pupils with disabilities.[129] These are outlines for their possible application at special schools, special classes in kindergartens and/or elementary schools as well as mainstreaming according to the individual needs of the child or pupil with a disability. The specific features of educating children and pupils with the relevant type of disability or disorder, organizational, material and staffing conditions are incorporated in individual educational programmes. Framework contents of the instruction of specific subjects focused on re-education and interventions based on the outcomes of expert diagnoses of children and pupils are part of every educational programme.[130]

268. Children and pupils of special classes or special schools whose disability prevents them from receiving education according to the educational programme designated for children or pupils with a certain type of disability may be educated according to an individual educational programme.[131]

269. Children and pupils with disabilities may be mainstreamed in kindergartens or elementary school classes as long as their rights do not limit the rights of the other pupils – participants of upbringing and education.[132] The school headmaster/headmistress decides on the acceptance/placement of a child with a disability at school based on the written opinion of the school facility for educational counselling and prevention issued based on a diagnostic examination of the child and the informed consent of the legal representative. The placement of children with disabilities in kindergartens is also possible based on the recommendation of a general practitioner for children and youth (paediatrician).[133]

270. If a school, headmaster/headmistress or the relevant school educational counselling and prevention facility determines that mainstreaming a pupil at elementary is not beneficial for a pupil or pupils – the participants of upbringing and education, upon the written consent of the organ of the local state administration in education and the school facility for educational counselling and prevention, it shall propose a different method of educating the child to his/her legal representative or based on an application of the legal representative, it shall decide on an exemption from the obligation to attend school. If the legal representatives disagree with such change in the method of educating his/her child, the court shall decide on the matter.[134]

271. State educational programmes (currently there are 83 of them) designate the basic conditions for educating pupils with disabilities, namely according to the type of disability. The basic conditions are related to adjustment to the school environment (access to the

[129] Article 94, Paragraph 2 of Act No. 245/2008 Coll. on Upbringing and Education (School Act) and on amendments and supplements to certain Acts as amended.

[130] http://www.statpedu.sk/sk/Statny-vzdelavaci-program/VP-pre-deti-a-ziakov-so-zdravotnym-znevyhodnenim.alej

[131] Article 94, Paragraph 1, letter b) Point 2 and Article 94, Paragraph 3 of Act No. 245/2008 Coll.

[132] Article 28, Paragraphs 11 and 29 of Act No. 245/2008 Coll. on Upbringing and Education (School Act) and on amendments and supplements to certain Acts as amended.

[133] Article 28, Paragraph 12, 29 Paragraph 10, § 61 of Act No. 245/2008 Coll. on Upbringing and Education (School Act) and on amendments and supplements to certain Acts as amended.

[134] Article 29, Paragraph 10 of Act No. 245/2008 Coll. on Upbringing and Education (School Act) and on amendments and supplements to certain Acts as amended.

building, entrance to the building, teaching spaces in classrooms and workshops, adjustment to hygienic facilities) ensuring transportation to school, using special teaching aids and compensation aids which together with textbooks and specially modified teaching texts are provided by the school for free. In terms of upbringing and education, the type and level of disability of a secondary school student is respected, based on which the duration, form of upbringing and education, conditions for acceptance, organizational conditions for upbringing and education, staffing, material and technical and special arrangements are adjusted so that the final outcomes correspond with the profile of the graduate. If possible, a secondary school student with a disability may proceed according to an individual educational programme designed by the school in cooperation with the school facility for educational counselling and prevention

272. Students with sight, hearing and physical disabilities may also prepare for their occupation in special mainstreamed classes of secondary schools or special secondary vocational schools. Individual needs are taken into consideration in educating students with disabilities; compensation aids are used and an individual approach is applied.

273. Students with mental disabilities may prepare for occupations at practical schools and apprentice schools.

274. Secondary schools prepare graduates for upbringing and educational work with children, youth and adults with disabilities in the specializations of secondary vocational schools (7646 6: educating and pedagogical activities, 7649 6: teacher for kindergartens and pedagogy, 7518 7: special pedagogy). The foundation is to learn the specific features of educational work and the integration of persons with special upbringing and educational needs and the conditions, principles, content, methods, forms and means of educating children, youth and adults with special upbringing and educational needs and the specifics of communicating with children and pupils with special upbringing and educational needs. In the 2009/2010 academic year, a new study specialization was tested at four secondary schools in Slovakia: 7669 6: pedagogical secondary school. Graduates of this specialization can find work as pedagogical assistants.

275. In compliance with the conditions designated by the School Act,[135] the school headmaster/headmistress may permit a student with a disability whose health prevents him/her from participating in education at school to participate in the special implementation of compulsory school attendance, namely individual education, and the school is obliged to ensure education in the home environment in the extent of at least two lessons a week. Within the framework of creating conditions for the upbringing and education of children and pupils/student. with disabilities, it is also possible to design an individual teaching plan,[136] exemption from a subject or its part[137] or enable pupils/students with severe disabilities to attend elementary school until the end of the academic year in which the student reaches the age of 18.[138]

276. Special conditions for the external testing of pupils of elementary schools, which are annually publicized by the National Institute of Certified Educational Measurements

[135] Article 24 of Act No. 245/2008 Coll. on Upbringing and Education (School Act) and on amendments and supplements to certain Acts as amended.

[136] Article 26 of Act No. 245/2008 Coll. on Upbringing and Education (School Act) and on amendments and supplements to certain Acts as amended.

[137] Article 31, Paragraph 4 of Act No. 245/2008 Coll. on Upbringing and Education (School Act) and on amendments and supplements to certain Acts as amended.

[138] Article 22, Paragraph 3 of Act No. 245/2008 Coll. on Upbringing and Education (School Act) and on amendments and supplements to certain Acts as amended.

(hereinafter referred to as the "NICM") on its website[139] are also specified for pupils with disabilities. The NICM is fully funded from the state budget with legal subjectivity and was founded by the Ministry of Education, Science, Research and Sports of Slovakia .

277. In relation to the organizing of admission proceedings for students with disabilities, the School Act imposes on secondary school headmasters/headmistresses the obligation to prefer applicants with modified work abilities before applicants who equally satisfy the criteria of admission proceedings.[140]

278. Special conditions for conducting leaving examinations and the details regarding possible adjustments to the leaving examination for students with disabilities are regulated by the Regulations of the Ministry of Education of Slovakia on the completion of study at secondary schools. The applicant may request adjustments to the leaving examination in the sense of extending the time limit for resolving tasks or regarding the oral examination, the modification or replacement of certain tasks, various graphic modifications and formats of assignments with the use of various font sizes, modified text structures, different options for recording replies and listening to the entry text or the presence of a sign ianguage interpreter or assistant, healthcare staff or special pedagogue. In addition, his/her application must include an expert medical opinion with an exact diagnosis and a current expert opinion of the relevant specialist.

279. Higher schools also create a generally accessible academic environment by adapting the terms and conditions of study for students with specific needs without decreasing the requirements for their performance. In addition to the aforementioned changes related to the terminological definition, the Amendment to the Act on Higher Schools designates the terms and conditions for acquiring the status of a student with specific needs and information on the competence and activities for special pedagogical workplaces and coordinators at higher schools for students with disabilities. Such students may be awarded social scholarships even upon exceeding a standard length of studies if this is a result of his/her disability.

280. A student with a disability who agrees with the evaluation of his/her specific needs has the right to support services according to the extent and type of such specific need, particularly for ensuring the possibility to use specific educational means, individual educational procedures, particularly individual instruction of selected units of the study programme for students with sensory disabilities, special conditions for carrying out study obligations without decreasing the requirements for study performance, the individual approach of university teachers and reimbursement of tuition fees in justified cases if it pertains to study longer than the standard length of the relevant study programme. Details on the minimum rights of students to support services according to the type of specific need shall be established by generally binding legal regulation which will be issued by the Ministry.

281. The Ministry of Education, Science, Research and Sports of Slovakia in 2011 supported the project entitled, Standards for Enduring the Conditions for the Study of Persons with Disabilities at Higher Schools and the defining of the minimum standards of the output.

[139] http://www.nucem.sk/documents//26/testovanie_9_2012/pokyny_t9_2012/Pokyny_pre_koordinatorov_ZZ_T9-2012.pdf;http://www.nucem.sk/documents//26/testovanie_9_2011/Pokyny_pre_koordinatorov_ZZ_T9-2011.pdf

[140] Article 67, Paragraph 3 of Act No. 245/2008 Coll. on Upbringing and Education (School Act) and on amendments and supplements to certain Acts as amended.

282. The general system of educating children, pupils and students with disabilities aiming at supporting their successful education and the creation of adequate conditions for an adequate level of their education and adequate inclusion in society is complemented by special pedagogical counselling centres (hereinafter the "SPCC").[141] Special methodological and material and technical assistance for expert employees of SPCC and special school pedagogues in kindergartens, elementary and secondary schools which are specialized on counselling for children with certain types of disability, is provided from SPCC resources. Compensation, re-educational and special teaching aids designated for children with disabilities, school special pedagogues and schools constitute part of the material and technical ensuring of the resource centres and are also to be lent to other CPSS.

283. In 2011, the Address Book of Special Pedagogical Counselling Centres for 2012 was elaborated in cooperation with the Ministry of Health of Slovakia under the project entitled Integrated care for children with disabilities from an early age with the aim to inform general practitioners for children and youth (paediatricians) of children with disabilities on the possibilities of comprehensive special pedagogical care. Under this project, the State Pedagogical Institute designed the flier, Warning Signs of a Child's Risky Development, which was distributed by the Ministry of Health in offices of general practitioners for children and youth (paediatricians) with the aim to improve the quality of screening of children with disabilities.

284. The amendment to the Act on Higher Schools, approved and publicized in 2012, also contributed to the improvement of the system of counselling support and services in support of educating students with disabilities at higher schools.

285. The Ministry of Education, Science, Research and Sports of Slovakia , through the activities of the directly managed organization – IUVENTA, also actively joins in creating a favourable environment for the implementation and acknowledgment of benefits of informal education in its youth work. The project entitled Competences in Practice – KomPrax (2011 – 2013) is the largest project in this area. A group of young people with a shortage of opportunities (including young people with disabilities) is one of the target groups of education.[142] 18 persons with disabilities with all necessary support (assistants, adjustments to rooms and programmes according to their disability) are regular participants. Two trainers employed by IUVENTA for the needs of implementing education are partially sighted.

286. The civil association *Únia nevidiacich a slabozrakých Slovenska* (the Slovak Union of the Blind and Partially Sighted) implemented a project from the financial mechanisms of the Government Office of Slovakia . It was targeted on the educational and counselling system in support of the rights of the blind and partially sighted to equal treatment and the design and implementation of a model supporting the self-defence of people with sight disabilities in the area of equal treatment. Activities also helped to inform the general public regarding the issues of equal treatment and equal opportunities for people with disabilities (2006-2009). The total drawn sum was 51,666.52 Euro.[143]

287. The project entitled Drahuškovo – Community Centre Krajné – integrated education and work for persons with autism and young people with special needs was aimed at creating a centre for integrated education in the municipality of Krajné (district of Myjava, UtTU Trenčín) to promote the social inclusion of the disabled and socially disadvantaged in

[141] Article 133 of Act. No. 245/2008 Coll. on Upbringing and Education (School Act) and on amendments and supplements to certain Acts as amended.

[142] http://www.iuventa.sk/sk/KomPrax/Home.alej

[143] http://eea.osf.sk/priority_antidiskriminacia.html

Slovakia. The total drawn sum from FM EES and NFM and SB was 1,673,142.69 Euro.[144] More detailed information:

Article 25 – Health

288. The rights and obligations of persons regarding the provision of health care are regulated by the Act on Healthcare.[145] The right to the provision of healthcare is guaranteed equally for everyone in compliance with the principle of equal treatment established by a special regulation.

289. Regarding the provision of healthcare, under the conditions established by the law, everybody has the right to:

- The protection of dignity, respecting his/her physical and mental integrity;
- Information related to his/her state of health;
- Information on the purpose, nature and consequences and risks of the provision of healthcare, possibilities to choose proposed procedures and the risk of the refusal of provided healthcare;
- The refusal of provided healthcare except for cases in which pursuant to the Act on Healthcare, the healthcare may be provided without informed consent;
- Decisions regarding his/her participation in teaching or bio-medicinal research;
- Refusals regarding the removal and transfer of organs, tissues and cells after death;
- The maintaining of confidentiality regarding all data related to his/her state of health, facts related to his/her state of health if in cases established by a special regulation, a healthcare worker is not relieved of this confidentiality;
- The alleviation of suffering;
- The human, ethical and dignified approach of healthcare workers.[146]

290. The goals presented in this Article of the Convention are implemented and performed by the health sector particularly through the activities of the Ministry of Health of Slovakia , the Office of Public Health of Slovakia , regional public health offices and healthcare providers, namely by implementing the concept of the State Health Policy which formulates long-term and short-term goals, strategies and priorities of the state aimed at the support, protection, ensuring and improvement of the state of health of the population and for the provision of healthcare to the citizens.

291. Individual tasks of the State Health Policy are elaborated through projects and programmes of the National Health Support Programme (hereinafter referred to as the "NHSP"). The NHSP strategy is based on the outcomes of the monitoring of the state of health of the population of Slovakia and the results of the health awareness of the population. The NHSP is an integrated programme in which all components of society

[144] http://archiv.vlada.gov.sk/eeagrants/18688/drahuskovo-%26ndash%3B-komunitne-centrum-krajne-%26ndash%3B-integrovane-vzdelavanie-a-praca-pre-osoby-s-autizmom-a-mladez-s-osobitnymi-potrebami.html

[145] Article 11 of Act No. 576/2004 Coll. on Healthcare, Healthcare Related Services and on amendments and supplements to certain Acts as amended.

[146] Article 11, Paragraph 8 of Act No. 576/2004 Coll. on Healthcare, Healthcare Related Services and on amendments and supplements to certain Acts as amended.

including the state administration and self-governmental organs, non-governmental organizations, the business sector and other organizations may participate.

292. The Office of Public Health of Slovakia continues in the activities of the World Health Organization which are targeted at the prevention of chronic diseases under the motto "Health for All".

293. In connection with the approval of the National Mental Health Programme, the Ministry of Health elaborated the Task Implementation Plan for the National Mental Health Programme for the Period of 2008-2010 and subsequently for the Period of 2010-2012.[147] The implementation of the tasks is continuously monitored by the Council for Mental Health of the Ministry of Health of Slovakia which annually submits a report to the Slovak Government on the implementation of tasks. The psychological programmes of crisis intervention, educational activities targeted on the support of mental health and the prevention of suicides at schools and activities for de-stigmatizing persons with mental disorders were implemented in practice. The Ministry of Health of Slovakia organized de-stigmatization campaigns "Mental Health Days – Days of Forget-me-not" on the occasion of the World Mental Health Day in cooperation with the League for Mental Health. The de-stigmatization campaigns helped to increase society's acceptance of individuals with mental disorders. Funding in the amount of 187,300 Euro was used for the aforementioned project.

294. In 2010, the Ministry of Health of Slovakia designed the National Programme for Preventing Cardiovascular Diseases.[148] The national campaigns "Bridge", "Get to Know the Symptoms of Acute Heart Attacks and Cerebro-vascular Accidents" and "Remote Patient" were implemented under this programme in 2010 with the aim to inform the population on the seriousness of risk factors of cardiovascular diseases and their prevention. 250 measuring spots were created within the activity "Bridge", more than 20,000 patients were examined, more than 1,361 educational TV spots and 220 radio spots were broadcast; 100 billboards and approximately 1,000 posters were placed in the towns of Košice and Bratislava. 20,000 flyers entitled "Healthy lifestyle – the path to the prevention of cardiovascular diseases" were published at the beginning of September 2010.[149] Allocations for the aforementioned programmes in 2010 and 2011 amounted to 152,200 Euro-420,939 Euro respectively.

295. Supervision of the provision of healthcare and public health insurance is conducted by the Office for the Supervision of Healthcare pursuant to the Act on the Health Insurance Agencies.[150] The office is an independent institution in investigating the correctness of provided healthcare. From the beginning of its existence it has not receive any motion for investigating the discrimination of persons with disabilities in connection with provided healthcare.

296. The Public Health Authority of Slovakia conducts prevention in various forms in the area of protection, support and development of public health (for example, health education in the form of lectures, editing, publishing and media activities, educational programmes and projects). It also co-participates in implementing individual points of the State Policy of Health, the National Programme in Support of Health and the National Programme for Preventing Obesity and in the draft National Plan of Care for Children and Youth in Slovakia for the Period of 2008-2015.

---

147 Slovak Government Resolution No. 739/2008.

148 http://www.uvzSlovakia.sk/docs/info/podpora/NPPOC.pdf

149 www.tvojeSlovakiadce.sk

150 Act No. 581/2004 Coll. on Healthcare Insurance Companies and Healthcare Supervision and on amendments and supplements to certain Acts as amended.

297. The following were supported from the financial mechanisms within the competence of the Government Office of Slovakia (EES Financial Mechanism and Norwegian Financial Mechanism – EES FM and NFM, Swiss Financial Mechanism):

1. Research of the effect of glucocorticoids on certain paediatric diseases with the aim to improve the healthcare of children and enable their integration into normal life. The total drawn sum was 237,339.61 Euro.[151]

2. Building of a hydrotherapy centre in the for *Gaudeamus* Community Rehabilitation Facility. The centre provides better quality therapeutic services to physically and mentally disabled children and adults in Bratislava with the overall goal to improve the provision of healthcare in Slovakia. The total drawn sum was 2,171,138.45 Euro.[152]

3. Reconstruction of the chateau on the premises of the ESS Prakovce – Matilda Huta with a view to establishing a hydrotherapeutic/rehabilitation centre. The goal of this project was to improve the state of health of clients/children with disabilities in the Social Services Home in Prakovce – Matilda Huta and other facilities in the Košice self-governing region. The total drawn sum was 950,710.97 Euro.[153]

Article 26 – Habilitation and rehabilitation

298. The Act on Social Services[92] regulates social rehabilitation (Article 21) as an expert activity supporting the independence and self-sufficiency of natural persons through developing and practicing skills or mobilizing abilities and strengthening habits in self-service, in acts connected with housework and basic social activities. If a natural person is dependant on the assistance of another natural person, the social rehabilitation deals with how to use aid, do housework, practice spatial orientation and independent motion, read and write in Braille and carry out social communication.

299. In compliance with the Act on Social Services, social rehabilitation can be conducted separately or provided for persons dependant on the assistance of another person within individual social services, i.e., within the provision of social services in a rehabilitation centre, a supported housing facility, a social services establishment, a specialized facility, a short-stay day ward, a facility for seniors or in a of home-care service facility.

300. In rehabilitation centre (Article 37) social services are provided to natural persons who are dependent on assistance from another natural person, partially sighted natural persons, hearing impaired natural persons and persons with hearing disabilities in both ears. Social services in a rehabilitation centre may be provided in the form of out-patient care or in-patient care for a definite period of time. In addition to social rehabilitation, the following services are provided in the rehabilitation centre:

- Social consultancy;
- Assistance in the case of dependence on assistance from another physical person;
- Accommodations;

[151] http://romovia.vlada.gov.sk/4062/vyskum-ucinku-glukokortikoidov-u-niektorych-pediatrickych-ochoreni-s-cielom-zlepsenia-zdravia-deti.php

[152] http://archiv.vlada.gov.sk/eeagrants/18695/komplexne-centrum-hydroterapie-v-meste-bratislava.html

[153] http://archiv.vlada.gov.sk/eeagrants/18696/rekonstrukcia-objektu-kastiela-v-areali-dss-prakovce-matilda-huta-za-ucelom-zriadenia-hydroterapeutickeho-/-rehabilitacneho-centra.html

- Meals;
- Washing, cleaning, ironing and maintenance of linen, underware and clothing.

301. Social consultancy is also provided in the rehabilitation centre for families or a natural person dependant on assistance from another natural person in the home environment for the purpose of cooperation in social rehabilitation.

302. In compliance with the Act on Social Services, community rehabilitation (Article 82) is also conducted in the area of the provision of social services; this involves the coordination of activities of the family, municipality, educational institutions, providers of employment services, providers of social services and healthcare providers in particular. The goal of community rehabilitation is the renewal or the development of the physical and working abilities of natural persons in unfavourable social situations and the support of their inclusion in society. Community centres may be established with a view to conducting community rehabilitation.

303. In compliance with the Act on Subsidies,[154] the Ministry of Labour, Social Affairs and Family of Slovakia may provide subsidies for conducting rehabilitation activities supporting reconditioning activities aimed at the support of the independence and self-sustainability of natural persons with severe disabilities outside the natural home environment of this natural person and subsidies for funding programmes for the social rehabilitation of persons with disabilities.

304. Work rehabilitation as material benefit provided optionally from the accident insurance[155] may be provided upon compliance with the terms and conditions established by the Act on Social Insurance of Employees (except for judges and public prosecutors) and natural persons subject to a special extent of accident insurance (Article 17, Paragraph 2) which the Act defines in Article § 83 for the purposes of the provision of accident benefits for the aggrieved party if he/she suffers an occupational injury or occupational disease. There is no legal entitlement for the provision of work rehabilitation from accident insurance.

305. In compliance with the Act on Social Insurance, work rehabilitation is defined as the practice necessary for acquiring working ability in order to perform activities that the aggrieved party carried out until the accident or a different suitable activity. A different activity of the aggrieved party is an activity of an employee or natural person indicated in Article 17, Paragraph 2 of the Act corresponding with the health capacity to work with regard to the person's age, work abilities and qualifications.

306. Work rehabilitation is ensured by the Social Insurance Agency on the employer's premises, in a healthcare facility pursuant to a special regulation or in a different professional facility for the provision of work rehabilitation. A written agreement is concluded on the performance of work rehabilitation with the employer or with the facility for work rehabilitation which contains the orientation, extent and costs connected to the provision of work rehabilitation. The costs connected with work rehabilitation are paid by the Social Insurance Agency; costs for accommodations, meals and travelling expenses constitute part of these costs.

307. Monetary benefits – rehabilitation benefits, which is provided to the aggrieved party financially in the course of work rehabilitation is also related to the work rehabilitation as material benefit.

---

[154] Act No. 544/2010 on Subsidies in the Competence of the Ministry of Labour, Social Affairs and Family of the Slovak Republic.

[155] Act No. 461/2003 Coll. on Social Insurance as amended.

Article 27 – Work and employment

308. Article 14, Paragraph 1 of the Act on Employment Services anchors the right to access to employment as the right of citizens who wish to work, can work and are looking for work, for services pursuant to this Act oriented on assistance and support in facilitating his/her integration to the labour market, including assistance and the support in integration into the labour market for the disadvantaged jobseeker for at least six subsequent calendar months.

309. Pursuant to Article 14, Paragraph 2, a citizen has the right to access to employment without limitations in compliance with the principle of equal treatment in labour law relations and similar legal relations established by a special law.[41] In compliance with the principle of equal treatment, discrimination is prohibited also on the grounds of marital status and family status, race,, skin colour, gender, age, language, creed and religion, disability, political or other beliefs, trade union activity, national or social origin, affiliation to a national or ethnic group, property, descent, marital status and family status or other status.

310. The right of every employee to equal remuneration for work of the same value is specially regulated in the provision of Article 119a of the Labour Code. This provision also fully pertains to employees with disabilities. If such employee does the same work or work of the same value as any other employee, he/she has the legal right to the same salary.

311. Pursuant to Article 62, Paragraphs 1 and 2 of the Act on Employment Services, an employer may acquire employees in necessary amount and structure through its own selection or with the help of authorities in the entire territory of Slovakia . An employer may not publish offers for employment containing any limitations or discrimination by race, skin colour, gender, age, language, creed and religion, disability, political or other beliefs, trade union activity, national or social origin, affiliation to a national or ethnic group, property, descent, marital status and family status or other status.

312. Office of Labour, Social Affairs and Family (hereinafter referred to as "Labour Office") and their workplaces provide professional assistance in the intermediation of suitable employment particularly for jobseekers and job changers by applying active labour market measures such as searching for and offering suitable employment, cooperation with employers in co-organizing job exchanges, information and competitive hiring procedure exchanges, the provision of information and consultancy services in the form of individual and group meetings aimed at the provision of current information regarding the labour market and services provided by authorities, professional consultancy services and the provisions of financial contributions for promoting employment and the provision of services in information and consultancy centres which fully satisfy the demands of clients for the possibility of the free-of-charge use of self-service searches of information on labour market conditions and requirements.

313. Labour Offices pay increased attention to activities aimed at job finding assistance to persons with disabilities. This is particularly due to the fact that they often have less adaptability and ability to react to labour market requirements because of their disability, the failure to comply with qualification requirements and adapt to new technical and technological equipment.

314. The principle of equal treatment is applied within employment services in the provision of assistance for jobseekers and job changers and the promotion of an individual, client-oriented approach (first-contact services, early identification of individual needs of jobseeker).

315. The Act on Employment Services also regulates a special provision, namely Preparation to improve the employment prospects of citizens with disabilities (Article 55a

of the Act on Employment Services) which promotes to increases employability of persons with disabilities and thus the possibility and their chances to find work.

316. Elevated protection of persons with disabilities in employment relations is provided by the Labour Code. An employer may only dismiss an employee with a disability with the previous consent of the relevant Labour Office; otherwise such notice is invalid.[156] The Labour Office decides on the awarding of previous consent to the employer for the termination of employment through a termination notice to the employee who is disabled pursuant to Article13, Paragraph 1, letter e, Point 3 of the Act on Employment Services.

Overview of number of awarded/dismissed consents to termination of employment for employees with disabilities.

Year	*Consent awarded*	*Consent dismissed*
2008	152	19
2009	451	25
2010	218	9
2011	169	14

Source: Central Office of Labour, Social Affairs and Family.

317. The Act on Employment Services[42] establishes the obligation to employ citizens with disabilities in the event that the employer employs at least 20 employees and if the Labour Office has in its Job Seekers Register citizens with disabilities in a number that comprises 3.2% of the total number of its employees (hereinafter referred to as the "Compulsory share").[157] The obligation to employ persons with disabilities pursuant to the compulsory share can also be complied with by the employer by placing an order suitable for the employment of persons with disabilities or placing an orders with a person with a disability who operates or performs business activity as a self-employment.[158] The failure to comply with the aforementioned obligations is sanctioned in form of the payment of a financial contribution for each person not hired in order to comply with the compulsory share.[159]

318. The key position on the labour market in the process of integration of persons with disabilities belongs to the active labour market measures. Under active labour market measures, the Act on Employment Services regulates the provision of several non-repayable financial contributions for the employer and self-employed individuals with disabilities which are designated for the promotion of creating and maintaining jobs in sheltered workshops and sheltered workplaces. Special Part 8 of the Act on Employment Services is dedicated to the promotion of employment of persons with disabilities.

319. The following are the active labour market measures whose target group is exclusively persons with disabilities:

- Preparation to improve the employment prospects of persons with disabilities (Article 55a);

[156] Article 66 of the Labour Code.

[157] Article 63, Paragraph 1, letter d) of Act No. 5/2004 Coll. on Employment Services and on amendments and supplements to certain Acts as amended.

[158] Article 64 of Act on Employment Services.

[159] Article 65 of Act on Employment Services.

- Contribution for establishing a sheltered workshop or sheltered workplace (Article 56);
- Contribution for keeping a person with a disability employed (Article 56a);
- Contribution to a person with a disability for operating or performing self-employment (Article 57);
- Contribution for the replacement of or investment in the tangible assets of sheltered workshops or sheltered workplaces (Article 57a);
- Contribution for activities of an assistant at work (Article 59);
- Contribution to cover the operating costs of a sheltered workshop or sheltered workplace and to cover transport costs for employees (Article 60).

320. Within the framework of provision of the contribution to cover the operating costs of a sheltered workshop or sheltered workplace and to cover transport costs for employees pursuant to Article 60, a total of 24,942 jobs were supported from the European Social Fund under national projects.

321. In terms of employment relations, discrimination by race, marital status and family skin colour, gender, age, language, creed and religion, disability, political or other beliefs, trade union activity, national or social origin, affiliation to a national or ethnic group, property, descent, marital status and family status or other status is banned. Abuse, violence, harassment and sexual harassment at the workplace are also prohibited.

322. Pursuant to Article 13, Paragraph 1 of the Labour Code, an employer is obliged to treat employees in compliance with the principle of equal treatment established for the area of employment relations by a special Act on Equal Treatment in Certain Areas and on Protection from Discrimination. In the event of violations of the equal treatment principle, the Labour Code establishes the:

- Right of employee to file a complaint with the employer (Article 13, Paragraph 4);
- Right of employee to recourse to the court of law (Article 13, Paragraph 5).

323. In 2011, the Labour offices registered 13,567 persons with disabilities, of which 12,755 were jobseekers and 812 were job changers. As at 31 December 2011, the Labour Offices offered 270 vacancies for persons with disabilities. There were 47 jobseekers for each vacancy designated for citizens with disabilities.

324. The issues of remuneration of men and women in Slovakia are the subject of monitoring under the project "Unified system of monitoring of gender salary unbalance." The data on individual average earnings of men and women for a sample of employees which in 2011 comprised approximately 51.5% of the overall number of employees in the Slovak economy comprised the subject of gender differences in remuneration analyses.

325. Gender differences in the employment of men and women with disabilities have not been monitored as yet. In order to obtain this data, 4 new items have been added to the structure of monitored indicators from the 1st quarter of 2012, for which a special code will be determined for the identification of employees with disabilities.

326. Within the framework of the Act on Employment Services, a citizen with a disability who is a jobseeker is considered as a disadvantaged job seeker.[160]

[160] Article 8, Paragraph 1 letter h) of the Act on Employment Services.

327. The Labour Offices provide individual consultancy services for disadvantaged job seekers, within the framework of which they design individual action plans for such persons which are targeted on mapping their situation, identifying their expectations, searching for solutions and jobs and selecting occupations efficiently.

328. The Act on Employment Service also promotes the establishment of sheltered workshops and sheltered workplaces[161] with a view to creating jobs for the disabled who are not able to find employment on the open labour market. Sheltered workshops and workplaces provide the disabled with suitable conditions for employment also in addition to the possibility for their own assertion and socialization.

329. In addition to active labour market measures that are exclusively oriented on enhancing the employability of persons with disabilities and creating and keeping jobs for this group of persons, measures generally provided to job seekers are also implemented under the Act on Employment Services, in which citizens with disabilities may also participate. They incorporate the provision of information and consultancy services, expert consultancy services, finding job, education and preparation for the labour market and allowances for job seekers and employers in order to employ job seekers.

330. Services for citizens with disabilities that facilitate job finding and maintaining and for employers that facilitate acquiring employees from among the disabled are also provided by the agencies supporting employment[162] under the Act on Employment Services which conduct the following activities in connection with this:

- Providing professional consultancy aimed at supporting and assisting in the acquisition and keeping of jobs, advisory activities in the field of labour law and finance in connection with the claims of citizens with disabilities arising from their disability;
- Identifying the abilities and professional skills of citizens with disabilities, while taking the requirements of the labour market into account;
- Seeking out and mediating suitable employment for citizens with disabilities;
- Providing professional consultancy to employers in the field of acquiring employees from among citizens with disabilities and resolving problems during their employment;
- Selecting suitable citizens with disabilities for work based on the employer's requirements and claims;
- Providing professional consultancy to employers in modifying the workplace and working conditions while employing a citizen with a disability.

331. Under the PHARE Consensus III project entitled "Promoting the employment of citizens with disabilities" consultancy and information centres for the disabled were established as the result of a partnership cooperation of Slovak and Austrian experts at individual Labour Offices. For several years they have implemented their mission and

[161] Sheltered workshops and sheltered workplaces are workplaces established by legal persons or natural persons, 50% of whose employees are individuals with disabilities who are unable to find employment in the open labour market, or workplaces where citizens with disabilities undergo training, and where the conditions of work including the requirements for work performance have been adapted to the state of health of citizens with disabilities (Article 55 of the Act on Employment Services). The Labour Office shall recognize the status of sheltered workshops and sheltered workplaces on the basis of a positive opinion issued by the health protection authority.60).

[162] Article 58 of the Act on Employment Services.

provided expert consultancy support and assistance to these citizens in searching for jobs and the requirements for finding their way in their possibilities and prequalification for work.

332. The Slovak Republic expressed reservations towards the provision of Article 27, Paragraph 1, letter a) of the United Nations Convention on the Rights of Persons with Disabilities, namely in compliance with Article 46 in the following wording: The Slovak Republic applies the provisions of Article 27, Paragraph 1, letter a) under the precondition that the implementation of the ban on discrimination based on disability in establishing the terms and conditions for job recruitment and hiring and during the course of employment is not applied to hiring in the civil service branch of the armed forces, armed security corps, armed corps, National Security Authority, Slovak Information Service and Fire and Rescue Departments."

333. In December 2011 in order to promote the harmonizing of Article 27, Paragraph 1, letter a) of the Convention with the exercised exception pursuant to Article 46 of the Convention, the Ministry of Labour, Social Affairs and Family of Slovakia prepared a proposal to amend the Act on Employment Services. The draft legislative framework, which besides others proposed to established that civil servants performing civil services under service contracts pursuant to special regulations, namely pursuant to the Act on the Civil Service of Professional Soldiers of the Armed Forces of Slovakia , regulating legal relations in performing the civil service of professional soldiers, the Act on Civil Service of Members of the Police Department of the Slovak Republic, the Slovak Intelligence Service, the Corps of Court and Prison Guards of Slovakia , and the Railway Police, which regulates the civil services of members of the Police Department of the Slovak Republic, the Slovak Intelligence Service, the Corps of Court and Prison Guards of Slovakia , and the Railway Police, the Act on Civil Service of Customs Officers, which regulates the civil service of customs officers, and the Act on the Fire and Rescue Departments, which regulates the civil service of members of the fire and rescue departments and members of the Mountain Rescue Service, will not be included in the overall number of employees of which employers calculate the obligation to employ a compulsory share of citizens with disabilities pursuant to Article 63, Paragraph 1, letter d) of the Act on Employment Services in addition to employees performing assignments of employers abroad. The proposal to amend the Act on Employment Services was suspended because of the results of the comment procedure in January 2012.

334. Pursuant to the Act on the Corps of Court Guards and Prison Guards,[163] the Corps of Court Guards and Prison Guards are armed security corps implementing assignments in the field of executing custody and terms of imprisonment, protecting and guarding buildings of the corps and protection order and security in the court buildings and buildings of prosecution. Service contract of members of Corps of Court Guards and Prison Guards is determined by their compliance with the health, physical and mental requirements for the performance of civil service. Member of corps must comply with this conditions throughout the entire time of their civil service.

335. The Ministry of Labour, Social Affairs and Family of the Slovak Republic also respects the principle of equal treatment in civil service employment relations, i.e., it also respects the Act on Civil Service[164] and the discrimination of persons with disabilities is prohibited in the selecting and hiring of employees in civil servant employment relationships.

[163] Act No. 4/2001 Coll. on the Corps of Court Guards and Prison Guards of Slovakia as amended.

[164] Article 4 of Act No. 400/2009 Coll. on Civil Service as amended.

336. The Ministry of Health of Slovakia protects and ensures the rights of persons with disabilities for just and satisfactory working conditions, including equal opportunities and equal remuneration for work of the same value, occupational safety and health protection and ensuring the possibility of exercising working and trade union rights. Persons with disabilities are employed in maximum possible amount in the health sector despite certain legal limitations.[165]

337. Within the framework of its competence, the Ministry of Interior of Slovakia employs persons with disabilities in compliance with the principle for equal treatment and in compliance with the valid legal regulations regulating the field of employment. Persons with disabilities are included in the work process without discrimination.

338. According to the Act on the Civil Service of Members of the Police Department,[166] the health, physical and mental requirements for the performance of service from conditions for hiring in civil service for members of police departments and the railway police. Applicants must undergo a medical examination, a psychological examination, a test in their mother tongue and a test of physical fitness in order to determine their competence (Article 14, Paragraph, 1 letter d)). The Act on Fire Departments and Rescue Corps[167] also determines hiring in state service for members of Fire Departments and Rescue Corps and Mountain Rescue Service according to health, physical and mental fitness criteria.

339. Within the framework of the sector of the Ministry of Interior of Slovakia , persons with disabilities may neither perform the civil service of members of Police Departments, Railway Corps or Fire Brigades and Rescue Corps because of the difficulty of the assignments that members fulfil, since health, physical and mental fitness for performance of the service is one of the conditions for being hired.

340. The sector of the Ministry of Interior of Slovakia approaches persons with disabilities differently only based on objective reasons and under cumulative compliance of legitimacy and legality for such different treatment. It fully respects the legal possibilities of persons with disabilities to seek protection of their rights and interests protected by law if they think that the procedure of the Ministry of Interior has violated the law. It also provides equal protection to all civil servants and employees including persons with disabilities from physical or mental harassment at work. If such action occurs it is assessed as a violation of service discipline in the case of a civil servant and work discipline in the case of employee. Such conduct may also be sanctioned by dismissal or instant termination of a civil servant's employment contract or employment depending on the severity of the offence.

341. Within the framework of its competences, the Ministry of Finance of Slovakia employs persons with disabilities in compliance with the principle of equal treatment and in compliance with the valid legal regulations regulating the field of employment. Implementing the legal provision on employing persons with disabilities is also ensured by doing business with sheltered workshops which employ persons with disabilities.

342. Within the framework of their competences, Železničná spoločnosť Slovensko a.s. (the Slovak Railway Company), Slovenská elektrizačná prenosová sústava, a.s., Slovenská pošta, a.s., Elektrovod, a.s., Stredoslovenská energetika, a.s., Železničná spoločnosť Cargo Slovakia, a.s. a Žilinská teplárenská, a.s. all employ persons with disabilities in compliance

[165] Articles 31 and 32 of Act No. 578/2004 Coll. on Healthcare Providers, Medical Workers, Professional Organizations in Healthcare Sector and on amendments and supplements to certain Acts as amended.

[166] Act No. 73/1998 Coll. on Civil Service of Members of the Police Department, the Slovak Intelligence Service, the Corps of Court and Prison Guards of the Slovakia, and of the Railway Police as amended.

[167] Act No. 315/2001 Coll. on Fire Departments and Rescue Corps as amended.

with the principle of equal treatment, and in compliance with the valid legal regulations regulating the field of employment.

Article 28 – Adequate standard of living and social protection

343. The pension scheme in Slovakia is implemented via three pillars.

344. The first pension pillar – mandatory basic pension insurance is a part of the general system of social insurance financed from premiums paid for social insurance and from the financial assistance of the state. Social insurance is carried out by the Social Insurance Agency, a public institution. The legislation of this system is contained in the Act on Social Insurance.[168] Disability pensions are provided from the first pension pillar in connection with unfavourable states of health. Disability pensions from "a young age", which are provided to a natural person who became disabled when he/she was a dependent child, comprise a special group. Pensions are provided to such persons despite the fact that they were not insured for pension. As of 1 January 2010, a positive change was made in Slovak legislation by granting disability pensions in relation to the pension insurance period required for the entitlement to this benefit.

345. On 1 January 2011, the amendment to the Act (Article 72) was passed in the following wording:

(1) The required number of years within the pension insurance period for the entitlement to a disability pension is

- Less than one year if the insured person is younger than 20 years of age;
- At least one year if the insured person is between 20 and 24 years of age;
- At least two years if the insured person is between 24 and 28 years of age;
- At least five years if the insured person is between 28 and 34 years of age;
- At least eight years if the insured person is between 34 and 40 years of age;
- At least ten years if the insured person is between 40 and 45 years of age;
- At least 15 years if the insured person is over 45 years of age.

(2) The number of years of pension insurance which permits a claim for a disability pension is determined based on the period before the occurrence of the disability.

346. The aforementioned change has had a positive impact on insured persons who due to unfavourable health could not work in the last ten years prior to the occurrence of disability and who did not have the required number of years of pension insurance. Currently, the required number of years of pension insurance has changed and in certain groups it has even grown, but their achievement is monitored in the entire period prior to the occurrence of disability, which in practice has positive impacts on the growth of the number of granted disability pensions, particularly in 2010.

[168] Current wording: http://www.employment.gov.sk/leg-socialne-poistenie.html.

Year-on-year comparison of granted disability pensions from 2009 to 2011

	2009	*2010*	*2011*
Disability pensions granted	16,864	24,326	22,270
Year-on-year change (persons)	-	7,462	-2,056

347. The second pension pillar - old age pension saving is a scheme defined by contributions financed from the contributions which are capitalized. It is conducted by private pension asset management companies based on the Act on Old Age Pension Saving[169] with effect as of 1 January 2005. Participation in old age pension saving is not currently compulsory. As of 1 April 2012, it will be based on the principle of automatic entry and the saver will have an option to leave the system by unilateral declaration in the course of two years from his/her automatic entry in this system. Persons with disabilities who work and participate in pension saving in the first pension pillar also have access to this system.

348. The third pension pillar – supplementary pension saving is defined by contributions financed from the contributions which are capitalized. Supplementary pension saving is conducted by private supplementary pension asset management companies based on the Act on Supplementary Pension Saving[170] with effect as of 1 January 2005. The purpose of supplementary pension saving is to enable the participant to gain supplementary pension income in old age and in the case of finishing work in occupations classified in category 3 or 4 on the basis of a health protection authority decision, or finishing employed work as a dance artist or a musical artist who plays a wind instrument. Persons with disabilities may also participate in supplementary pension saving.

349. Assistance in material need is of a complementary nature which is in the Act on Assistance in Material Need[171] expressed by the guarantee of ensuring basic living conditions in the cases of insufficient security from other systems. The Act is fully in compliance with the Constitution of Slovakia[21] and guarantees equal rights to all, i.e., to persons with disabilities.

350. The protective nature of the Act in the form of direct and indirect support is also manifested in connection with the assessment of the material need of citizens with disabilities.

Direct support

- Children who are recipients of disability pensions pursuant to special regulation do not belong to the circle of jointly assessed persons. As a result, protection and financial advantages related to the care for such children are provided;
- The following is not considered as income for the purposes of assessing material need, ensuring basic living conditions and assistance in material need for this group of persons:
    1. 25% of the disability pension designated pursuant to special regulation;

[169] Act No. 43/2004 Coll. on Old Age Pension Saving and on amendments and supplements to certain Acts as amended.

[170] Act No. 650/2004 Coll. on Supplementary Pension Saving and on amendments and supplements to certain Acts as amended.

[171] Act No. 599/2003 Coll. on Assistance in Material Need and on amendments and supplements to certain Acts as amended.

2. 25% of the social pension granted due to disability;

- The possibility of ensuring or increasing income by own work for the purpose of ensuring basic living conditions and assistance in material need is not examined if it pertains to a person with a disability due to his/her decreased ability by more than 70% to carry out gainful activity. Such persons are entitled to a protective allowance and to file a claim for benefits;

- The sale or lease of the following cannot be expected from a citizen and natural persons who are jointly assessed with the citizen in material need:

  1. A tangible item which constitutes necessary household equipment, or for which a lump-sum benefit or financial allowance were provided in order to compensate for the social consequences of a severe disability;

  2. The sale of a passenger vehicle used for individual transportation due to severe disability;

- The entitlement to benefits is automatically accompanied by the entitlement to a housing allowance without examining further conditions for entitlement if the person in material need or any of the natural persons which are jointly assessed with the person in material need is a recipient of old-age pension; this also applies to recipients of different pension benefit who reached the age of 62.

Indirect support (prevention)

- In the case of personal and duly care for a severely disabled person older than 6, if this period does not copy the period of pension insurance, the period of such care is also considered as the period of pension saving;

- The possibility of ensuring or increasing the income by own work for the purposes of ensuring basic living conditions and assistance in material need is not examined and the entitlement to protective allowance also arises for a person who:

  1. Personally and duly provides round the clock care of a child who according to the report of the relevant authority has a severe disability;

  2. Personally and duly provides round the clock care of a person who according to the report of the relevant authority has a severe disability;

- If a citizen is in material need or a natural person who is jointly assessed with a citizen in material need is a pregnant woman, the benefit indicated in paragraph 2 is raised by the sum designated by law.

351. The parental allowance is a repeated state social benefit through which the state contributes to the proper care for children up to age of three or up to the age of six for children with a long-term unfavourable state of health. In 2009, a new Act on Parental Allowance[172] underwent the legislative process and entered into effect on 1 January 2010.

352. In 2010 and 2011 several legislative amendments to the new Act were approved; the most significant amendment related to the possibility of carrying out gainful employment with parents ensuring care for their child up to three years of age or up to six years of age if it pertains to a child with a long-term unfavourable state of health. The amount of the parental allowance, which is currently provided in one sum of 194.70 Euro monthly, was also adjusted and the parental allowance in the case of the simultaneous birth of two or

[172] Act No. 571/2009 Coll. on the Parental Allowance and on amendments and supplements to certain Acts as amended.

more children was increased by 25% of the aforementioned sum per each additional child who is born.

353. The legislative regulation of parental allowance, which entered into effect on 1 January 2012, eliminated the limitation related to the possibility of carrying out gainful employment by the parents of minors and simplified the conditions for the entitlement to provision of parental allowance for all parents, including parents of the disabled. In order to enable parents to improve the income situation of the family even while receiving a parental allowance, the condition for entitlement – not carrying out gainful employment – was omitted. It enables the parent to carry out gainful employment in any form while receiving the parental allowance; furthermore, the amount of income from such activity does not affect the entitlement or the amount of the parental allowance. According to the new legislation, not only personal care for a child is required from parent of a healthy child or a child with a long-term unfavourable state of health. Parent may provide proper care for a child either personally or, when they carry out gainful employment, by placing the child in kindergarten or by placing the child in the care of another legal entity or natural person. It is up to the decision of parent if while receiving parental allowance if he/she will take care of the child personally or if he/she will also carry out gainful employment. These adjusted conditions for the entitlement apply equally to all parents – healthy and disabled. The possibility of carrying out gainful employment also relate to parents receiving parental allowance for a child of up to 6 years of age if it pertains to a child with a long-term unfavourable state of health.

354. In 2008, in the interest of facilitating the return of parents of minors to the labour market, creating better conditions for the possibility of carrying out gainful employment and reconciling the family and work life of parents, the National Council of the Slovak Republic passed a new Act on Contributions for Child Care[171] with effect as of 1 January 2009.

355. The contribution for child care is a social benefit designated for parents who begin to carry out gainful employment or return to work before their child reaches the age of three or before their child reaches the age of six if it pertains to a child with a long-term unfavourable state of health, and while carrying out gainful employment they arrange for child by a different legal entity or natural person, for example by placing the child in a facility (kindergarten, day nursery, facility with day care). The state contributes to parents for expenditures for such care per each child in the maximum sum of 230 Euro monthly. Parents with disabilities may also request this allowance if they carry out gainful employment.

356. A child who is unable to continually prepare for work or carry out gainful employment due to a long-term unfavourable state of health may be provided with a child allowance (in compliance with the Act on Child Allowance) until this child reaches the age of 18. Pursuant to § 5 of the Act on Child Allowance, for the purpose of obtaining state social benefits, illnesses or conditions indicated in Annex No. 2 to the Act on Social Insurance and which according to the knowledge of medical science last for more than 12 consecutive calendar months or for which there is a prequalification that they will last for over 12 consecutive calendar months and require special care are considered as long-term unfavourable states of health. A long-term unfavourable state of health is also a sickness or condition requiring special care, if this illness or condition prevents the child's ability to prepare permanently for work and carry out gainful employment. The Office of Labour, Social Affairs and Family with jurisdiction for the permanent residence or temporary

[171] Act No. 561/2008 Coll. on the Contribution for Child Care and on amendments and supplements to certain Acts as amended.

residence of the eligible person is the competent organ for assessing the long-term unfavourable state of health.

357. When providing a child allowance, the state of health of the parent is taken into consideration if the parent of a dependant child is the recipient of a disability pension due to the decreased ability by more than 70%, to carry out gainful employment and does not carry out any gainful employment and therefore can not exercise a claim for a tax bonus for the dependent child.

358. The provisions of the Act on Substitute Alimony[174] also fully pertain to parents with disabilities; they have the same responsibility and obligations towards their children as healthy parents. If a legally bound person fails to fulfil his/her maintenance duty towards a child, the state provides substitute alimony (in compliance with the Act on Substitute Alimony) in the sum established by the court.

359. Pursuant to § 72 of Act on Social Services, a public provider of social service and a non-public provider of social service, who does not provide a social service with the aim to gain profit, may designate the sum of payment for social service maximally in the amount of economically eligible costs spent on the provision of social service. This provision also stipulates that the following services are provided free of charge under the following conditions established in the Act on Social Services: interpreting service, crisis aid through telecommunication technologies, social consultancy, assistance in exercising rights and interests protected by law, social rehabilitation and work therapy.

360. The recipient of social services pays for the social services according to his/her income and assets under the conditions established by the Act on Social Services. Pursuant to § 73 of Act on Social Services, when paying for the provision of social services, the protection of the income of the recipient of social services is applied before the payment of an inadequate sum. It means that if the income and assets of the recipient of social services are not sufficient to pay for the entire sum, he/she will not pay at all or only a part of it in such amount so that an established percentage or multiple of the sum of subsistence minimum would remain for him/her after the payment for social service. In the case of field home care services, it is at least a 1.3 multiple of the sum of subsistence minimum; in the case of outpatient social services in a facility providing meals, it is a minimum of 70% of the sum of the subsistence minimum; in the case of a week stay in a facility, it is a minimum of 50% of the sum of the subsistence minimum and at least 20% of the sum of the subsistence minimum for a year round stay.

361. The Act on Subsistence Minimum[175] takes into consideration the life situation of people with disabilities so that during the testing of income according to this Act, the financial contributions of severely disabled persons compensating for the social consequences of the severe disability (except of the allowance for care) and the increase of the pension for immobility are not considered as income.

362. The public housing development programme is supported by two financial support tools – the State Housing Development Fund and the Housing Development Programme. Both these financial tools ensure access to public housing development for persons with disabilities as follows:

[174] Act No. 201/2008 Coll. on Substitute Alimony and on amendments and supplements to Act No. 36/2005 Coll. on Family and on amendments and supplements to certain Acts in wording of the Ruling of the Constitutional Court of the Slovak Republic No. 615/2006 Coll. as amended.

[175] Act No. 601/2003 Coll. on Subsistence Minimum and on amendments and supplements to certain Acts as amended.

- The State Housing Development Fund provides very favourable building loans with a maturity period of up to 30 years and a low interest rate for all citizens with low income including persons with disabilities; it also provides non-repayable contributions for the procurement (purchase or construction) of barrier-free flats. These loans are also provided to municipalities for the procurement of communal housing. Non-repayable contributions are also provided for the procurement of barrier-free flats;
- Under the Housing Development Programme, non-repayable contributions of state support are provided in the form of subsidies for the procurement of communal apartment housing for citizens with low income. This programme directly imposes on the municipality which is interested in the provision of this subsidy the obligation to ensure barrier-free flats within the constriction of flats if the municipality registers justified applications of citizens for such flats.

363. Measures and initiatives heading towards protection, support of health, prevention of diseases and other health disorders in the support of public health of citizens, including senior citizens and persons with disabilities, are fulfilled by the Office of Public Health of Slovakia pursuant to the Act on the Protection, Support and Development of Public Health.[176] Individual tasks of the State Health Policy are implemented through the following projects and programmes: phase 2 of the National Programme for the Support of Health and the Programme for Health Support for Disadvantaged Communities in Slovakia for the Period of 2009-2015.[177]

364. The quality of drinking water in Slovakia is monitored by the Office of Public Health of Slovakia and 36 regional offices of public health in their competence under the performance of state health supervision and within the monitoring of the quality of drinking water with the consumer, which belong to the specialized tasks of the organs of public health. Valid legal regulations also establish other assignments for public health organs in the area of drinking water, such as issuing instructions for the elimination of identified shortcomings, measures for preventing diseases, the granting and cancelling of exceptions and imposing settlements of costs and sanctions. In addition, these authorities monitor the quality of drinking water by checking outcomes of the operation checks of the public water supply operators, whose programme is annually submitted for approval by these operators to the relevant regional public health authority. The outcomes of laboratory analyses of water samples are annually processed by the information system on drinking water within the framework of monitoring drinking water quality.

365. The Agency for specialized services for people with autism and other disabilities, a n. o. (non-profit organization) implemented the project entitled Community Rehabilitation Services for families of children with disabilities in Bratislava. The aim of this project was to conduct a pilot verification of community rehabilitation at work with families of children with disabilities, to support self-help group of parents through specific programmes and to provide innovative social services. The total drawn sum was 95,994.96 Euro.[178]

366. The project entitled, Quality Outpatient Services for Children and Youth with Disabilities and Their Families in Košice was carried out in the region of eastern Slovakia by the civil association Club of Disabled Children and Youth. The aim of this project was to create quality outpatient services for children with disabilities and to provide efficient assistance to their families to help them avoid placing their children in in-patient facilities

[176] Article 10 of Act No. 355/2007 Coll. on Protection, Support and Development of Public Health and on amendments and supplements to certain Acts as amended.

[177] http://www2.health.gov.sk/redsys/rsi.nsf/0/62EBE34323BA109BC1257539004938FC?OpenDocument

[178] http://www.socia.sk/?page=granty&sub=blokovy&sec=oprojektoch

(ESS) create conditions for caring for their children in the family. The total drawn sum was 99,803.60 Euro.[179]

367. The Prešov Greek Orthodox Charity will contribute to enhancing the independence of children and young people with disabilities, improving the quality of their lives in families and integration in the majority society through building comprehensive social services for children and young people with disabilities in the region of Stará Ľubovňa. The specific goal of this project is to provide access to multiple-level support tools to children and young people with disabilities and their families and to create a functional network of social services in the district for them. The total amount of the grant was 1,067,793.32 Euro. Beginning of implementation: 2012 (until 2016).

Article 29 – Participation in political and public life

368. The Constitution of Slovakia guarantees political rights in its Articles 26 up to 32 (freedom of speech and the right to information, the right to petition, the right to assemble peacefully, the right to freely associate, the right to participate in public affairs administration directly or through the free election of their representatives, the right to resist).

369. Pursuant to the Act on National Council elections,[180] every citizen of the Slovak Republic who reaches the age of 18 on election day is entitled to vote in National Council elections. Voters who cannot mark a ballot on their own due to a disability or because they cannot read or write may be accompanied in the place designated for marking ballots by another voter in order to mark the ballot according to their instructions and place it in the envelope; however such accompanying voter may not be a member of the precinct election commission.

370. It is possible to ask the precinct election commission to enable a voter to vote outside the election room, namely only within the territorial district of the electoral precinct for which the precinct election commission was established if there are serious reasons for such request, particularly health reasons. In such case, the precinct election commission shall send at least two of its members with a portable ballot box, ballots and envelope to the voter; the members of the precinct election commission shall ensure that secret voting is adhered to. The precinct election commission shall mark the participation of such voters in both copies of the list of voters immediately upon the return of the members of the commission sent with the portable ballot box back to the election room. Envelopes may also be inserted in the ballot box by a voter instead of the actual voter if due to a health disability he/she cannot do it him/herself; however, it must be done in his/her presence and not by a member of the precinct election commission.

371. The Constitution of Slovakia[21] guarantees the right to participate in the administration of public matters directly or via the free election of representatives. The right to vote is universal, equal, and direct and is exercised by means of a secret ballot. The terms and conditions for exercising the right to vote are established by the law. Citizens are entitled to access to elected and other public officials under equal conditions.

372. The Constitution[21] guarantees the right to freely associate to all the citizens of the Slovak Republic. Everyone has the right to associate with others in clubs, societies, or other

[179] http://www.socia.sk/?page=granty&sub=blokovy&sec=oprojektoch

[180] Act No. 333/2004 Coll. on Election to the National Council of Slovakia and on amendments and supplements to certain Acts.

associations. Citizens have the right to establish political parties and political movements and to associate in them.

373. The legislative rules of the Government of Slovakia designate the rules for designing generally binding legal regulations and regulate the procedure of central state administration organs in preparing, submitting and discussing laws. Legislative rules enable the citizens to participate directly in designing legislative norms through mass comment (Article 14, Paragraph 6).[181]

374. The Committee for Persons with Disabilities supports organizations representing the interests of the disabled. A working group that analyses the needs of organizations representing the interests of persons with disabilities in terms of existential issues and efficient activities for the support, development and continuous activity of non-governmental organizations works at the level of the Council.

375. The Matej Hrebenda Slovak Library for the Blind in Levoča ensured the printing (in Braille and in sound version) and distribution of lists of candidates for the 2010 parliamentary elections.

376. The Matej Hrebenda Slovak Library for the Blind in Levoča ensured the printing (in Braille and in sound version) and distribution of lists of candidates for the 2006, 2010 and 2012 parliamentary elections.

377. Within the framework of Programmes for Financial Support of Activities for Children and Youth, two organizations representing the interests of young people with disabilities have been funded for a long period of time (ADAM 1/ADAM 2). The Ideal Youth Initiative has 3,812 members registered in 26 districts; the Union of Physically Disabled Youth has 1,138 members registered in 15 districts of Slovakia (November 2011).

	2010	*2011*	*2012*
Union of Disabled Young People	21,291 Euro	18,050 Euro	29,269 Euro
Ideal Youth Initiative	86,191 Euro	X	98,045 Euro

378. Since 2000, the Government Office of Slovakia has supported the participation of organizations of persons with disabilities in the administration of public affairs and in public life and provides financial non-repayable contributions for the support and protection of human rights and freedoms, the prevention of discrimination, racism, xenophobia, and other forms of intolerance through the provision of subsidy scheme resources.

[181] Article 14, Paragraph 6 of the Legislative rules of the Government of the Slovakia: Dispute proceedings with representatives of the general public may take place if the sponsor failed to comply with the comment applied by a larger number of natural persons or legal entities from the general public; the authorization of the representative of the general public for their representing (mass comment) is also part of the comment. Dispute proceedings with a representative of the general public shall always take place if the sponsor failed to comply with a mass comment with which at least 500 natural persons or legal entities identified unless serious reasons exist for not conducting dispute proceedings. In such case, the sponsor must publish these reasons at its website and if the mass comment was applied through a portal, also in the evaluation of the comment procedure. If the mass comment was applied in electronic form through a portal, the list of natural persons and legal entities identified with the mass comment can also be sent to the sponsor in a way other than through the portal.

Article 30 – Participation in cultural life, recreation, leisure and sport

379. The Ministry of Culture of Slovakia pays great attention to the culture of persons with sight disabilities in compliance with the priorities formulated in the basic medium-term strategic material in the field of librarianship entitled "Strategy for the Development of Slovak Library Science for the Period of 2008-2013". One of the methods of implementing these priorities is conducted via the Matej Hrebenda Slovak Library for the Blind in Levoča. The mission of this institution is to provide access to cultural materials for people with sight disability and persons with other health disadvantages, namely through Braille script, larger print materials, sound recordings, digitalised texts and relief graphic art.

380. Possibilities for obtaining funds for improving access to written documents for persons with sigh disability: Subsidy Programme of the Ministry of Culture of Slovakia – Cultural Activities in the Area of Memory Institutions – Sub-programme 2.1 – Libraries and Library Activities (a subsidy in the amount of 3,629 Euro was used for the purchase of a Super Nova12 reader and magnifier, software, an MP3, scanner and installation and training). In 2010, the Ministry of Culture of Slovakia supported two other projects aimed at supporting the processing and accessibility of written documents for persons with sight disabilities.

381. In 2008 and 2009, the Slovak National Museum and its organizational unit, the Archaeological Museum in Bratislava, carried out a significant and sustainable project for individuals with sight disabilities entitled "Providing access to a part of the exposition the Oldest History of Slovakia for the blind and partially sighted – History of Slovaks and Slovakia". The goal of this project was to complement the permanent exposition by a touch line and audio-guide. In 2009, new activities (Creative workshops for the blind, etc.) were added and now form a permanent part of the exposition. This project also represented a unique form of cooperation among various subjects at the international, national and non-governmental levels (experts at the international level, the Slovak Union of the Blind and Partially Sighted, the Ministry of Culture of Slovakia, etc.).

382. Since 1 January 2010, as a public institution for the support and development of audiovisual culture and industry, the Audiovisual Fund has also provided funding for the promotion of the production of hidden captions and voice commentaries for audiovisual works for persons with disabilities. In 2010 and 2011, the Audiovisual Fund provided funding for 4 projects targeted toward or designated for persons with disabilities (for the production of 3 documentary films and the production of voice commentary for audiovisual work). The total sum of support for these projects was 28,370 Euro.

383. Audiovisual works with voice commentary for the blind and partially sighted are released by the Slovak Film Institute on DVD media. From 2008 until 2012 it released a total of 16 titles, of which 9 were released in 2011. In addition to voice commentaries, the Slovak Film Institute equips all audiovisual works released by it with Slovak subtitles which enable the hearing disabled to watch them.

384. In addition to the cinema for the blind in Nitra (since 2007) the cinema for the blind in Prešov began its activities in 2010 and in 2011, the Metropolitan Library for the Blind in Bratislava also began to project films. In organizing the cycle "Cinema for the Blind" the city library cooperated with the Slovak Film Institute and in 2011 it organized two projections from this cycle (also supported from the subsidy system of the Ministry of Culture of Slovakia – Culture of Disadvantaged Groups of the Population).

385. The Strategy for Development of Museums and Galleries up to 2011 (this document was approved by Slovak Government Resolution No. 1078 of 20 December 2006) also created space for developing the culture of the disabled and providing access to cultural

services. In its objectives 4.1 and 4.5, measures are elaborated that promote the equality of opportunities for disadvantaged groups of the population including the disabled.

386. The Ministry of Culture of Slovakia intensively cooperates with non-governmental organizations focused on promoting the culture of persons with disabilities. In 2005, it founded a working group that addresses the issues of the development of culture for the disabled. In 2010 and 2011, the working group participated in preparing model projects for educating the Ministry staff with the aim to eliminate barriers in culture for the disabled.

387. Research on the accessibility of museums in Slovakia and methodological material which informing about the possibilities for disseminating information related to the availability of culture for persons with disabilities and about the possibilities for educating people in the sector of culture on the needs of people with disabilities was the output of the project entitled, Providing access to cultural facilities for people with disabilities, regarding the issues of elimination of information and physical barriers in culture (2011). The project will continue in 2012.

388. The Ministry of Culture of Slovakia prepared a questionnaire on discounts provided (for 2010) by cultural state institutions in the competence of the Ministry for public cultural services. The plan was to search for further effective tools for enhancing the accessibility of art with the aim to increase the accessibility of people with disabilities to culture. It also organized the seminar entitled: Contemporary forms of providing discounts in cultural institutions.

389. The Programme entitled Culture of Disadvantaged Groups of the Population is oriented on the promotion of cultural activities of persons with disabilities – all types of disabilities: persons with physical, mental sight, hearing disabilities including the protection of mental health and groups of population disadvantaged in a different way (people at risk of poverty, multiple discrimination and social exclusion).

390. The Ministry of Culture of Slovakia took a significant step towards the systematic promotion of culture for the disabled and the availability of active and passive culture through a separate subsidy programme entitled, Culture of Disadvantaged Groups of the Population. Its priority is to promote the culture of children and young people with disabilities and to promote the informal education of workers in the sector of culture with the aim to disseminate information on the life and culture of the disabled and eliminate mental and physical barriers (support to life culture – periodical and non-periodical press). Approximately 300,000 Euro are annually distriouted within this system and 80 to 90% of the annual expenditures are related to the culture of the disabled.

391. The Act on Copyrights and Rights Related to Copyrights (the Copyright Act)[182] also regulates the use of work for the needs of the disabled in a special provision (§ 29). This pertains to the legal license, an exception to exclusive ownership rights of the author when no agreement from the author is necessary for the use of the work and no obligation arises to pay the author a fee.

392. In order to enhance the awareness and knowledge of persons with sight disabilities and the general public regarding the issues of accessibility of written documents for persons with sight disabilities, the conference Accessibility of written documents to persons with sight disabilities – Tools for their social inclusion and information (Slovak Union of the Blind and Partially Sighted) was organized in Bratislava on 24 – 26 November 2011. This

[182] Act No. 618/2003 Coll. on Copyrights and the Rights Related to Copyright (Copyright Act) as amended.

conference was supported from the Ministry of Culture's subsidy system entitled, Culture of Disadvantaged Groups of Population.

393. In addition to the programme for the disabled, the sector of culture has other subsidy programmes whose priority target is not the disabled but the accessibility of culture for the blind – this pertains to the subsidy programme Cultural Activities in the Field of Memory Institutions – the sub-programme Libraries and Library Activities and the subsidy programme Cultural Vouchers – which can be joined by special schools (for example, schools for blind children and young people and the blind or disabled artists offering their programmes). The subsidy programme of the Audiovisual Fund is open to applications for promoting voice commentaries or subtitling audio-visual works.[183]

394. In 2009 – 2010 in the area of tourism, Slovakia joined phase 1 of the preparatory event of the European Commission entitled CALYPSO which is oriented on social tourism or tourism for all. Its goal is to enable to people (4 target groups – seniors, youth, the disabled, families) that cannot afford it to travel to European holiday summer centres and spend time there. One of the target groups, on which this initiative is focused, is also created by disabled citizens of EU member states and candidate states. A study was elaborated in Phase 1, in which 21 European countries were involved, including Slovakia. The study monitored the situation in social tourism in participating countries and collected examples of good practice. It was funded from the resources of the European Union.

395. Slovakia, as a member state of the United Nations World Tourism Organization (UNWTO) joined the Global Ethical Codex of Tourism[184] which was adopted by the General Assembly of the UNWTO in 1999. The relation of tourism and persons with disabilities is regulated in Article 2, Paragraph 2 of the Codex: "Activities of Tourism should respect the equality of men and women; they should promote human rights and particularly the individual rights of the most vulnerable groups, children, the elderly and the disabled, ethnic minorities and natives in particular" and in Article 7, Paragraph 4 – "Family, youth, students and senior tourism and tourism for the disabled should be promoted and facilitated".

396. The Slovak Republic supports sports for the disabled at the level of top-performance and performance sports, young people gifted in sports and the development of sporting activities of children and young people with disabilities. The Ministry of Education, Science, Research and Sports of Slovakia allocates funding for the civil associations from the budget chapter of the Ministry to sports unions of persons with disabilities which ensure tasks related to sports representation and development of sports for citizens with disabilities for the purpose of implementing the tasks related to the sports representation of Slovakia .

397. In order to implement the tasks related to the sports representation of Slovakia , the Ministry of Education, Science, Research and Sports of Slovakia supports sports competitions for students with disabilities who are educated in special schools from the budget of the section of state care for sports.[185]

398. In 2012, the Ministry of Education, Science, Research and Sports of Slovakia allocated 350,000 Euro from the budget chapter of the Ministry for funding applications for the provision of subsidies in the field of sports submitted under the published call entitled "Sports for the Disabled" oriented on promoting sports representation, caring for talented sportsmen and women, organizing sports competitions and events, providing sports activities for children, pupils and students, educating in the area of sports, prevention,

[183] http://www.avf.sk/
[184] http://www.telecom.gov.sk/index/index.php?ids=105201
[185] http://www.minedu.sk/index.php?lang=sk&rootId=7291

control in combating doping in sports, remuneration for sportsmen/women and coaches and promoting editing, museum and educational activities in sports.[186]

399. On 31 August 2011, the Slovak Government approved the Concept for the Development of Physical Activities for Children and Youth,[187] under which the measure to prepare special programmes of sporting activities for children and young people with disabilities was also adopted within the framework of measures for the improvement of the current state of physical activities of children and youth.

400. The Slovak Paralympic Committee,[188] which as an autonomous, independent and non-political sports organization, is authorised to manage the Paralympic movement in the Slovak Republic, has a significant position in the area of promoting sports for the disabled. In cooperation with the Slovak Association of Disabled Sportsmen, the Section of the Blind and Partially Sighted Sportsmen and the Slovak Union of Mentally Disabled Sportsmen regularly organize events oriented on the development of sporting activities for children and young people. Three examples are Against Cancer on Wheels (educational activity), From Schools on Wheels (sporting of children, pupils and students) and Paralympic Day (connects educational activities with social inclusion through sports).

401. Within the framework of educational activities, the Slovak Paralympic Committee publishes the quarterly journal entitled *Paralympionik*,[189] which is a supplement of the daily newspaper Sport; it also organizes other events aimed at the elimination of discrimination or different approaches to persons with disabilities.

402. Creating conditions for education, by means of which the possibilities for educating children with disabilities in particular, children who are placed in social services establishments (SSE) and for whom in-school education is impossible for various reasons, is part of the provision of in-patient social services at SSE under other activities pursuant to § 18, Paragraph 1, letter a) Point 5 of the Act on Social Services.[92]

403. In compliance with the Act on Subsidies,[155] the Ministry of Labour, Social Affairs and Family provides subsidies for publishing activities and promoting membership in international organizations for organizations for the disabled.

IV. Specific rights under the Convention applying to boys, girls and women with disabilities

Article 6 – Women with disabilities

404. The legal order of Slovakia ensures equal protection and guarantee of human rights to women and men. Because of the possibility of multiple discrimination, women with disabilities constitute a special category of protected persons pursuant to Slovak criminal law.

405. Tasks connected with organization and administrative and technical arrangements of activities of the Council of the Slovak Government for Human Rights, National Minorities and Gender Equality are implemented by the Government Office of Slovakia as the secretariat of the Council. The Committee for Gender Equality is one of the permanent expert organs of the Council. The tasks of the secretariat of the Committee for Gender

[186] http://www.minedu.sk/data/USERDATA/SKSport/2012-09-Vyzva-Postihnuti.pdf
[187] http://www.rokovanie.sk/Rokovanie.aspx/RokovanieDetail/594
[188] http://www.spv.sk/o-nas/slovensky-paralympijsky-vybor
[189] http://www.spv.sk/casopis-paralympionik

Equality are implemented by the Ministry of Labour, Social Affairs and Family pursuant to by-laws and organizational guidelines of the Council. There is also division for gender equality and equal opportunities at the Ministry of Labour, Social Affairs and Family of Slovakia .

406. Violence against women is generally understood as a violation of human rights and a form of discrimination against women and even more so in the case of women with disabilities. Discrimination of women is a denial of the principle of gender equality and the equality of women and men. Therefore, the Slovak Republic, at the level of the Council of Europe, intensively participates in designing and adopting the Council of Europe Convention on preventing and combating violence against women and domestic violence (CETS No. 210). The Slovak Republic signed this Convention on 11 May 2011 by means of which it became one of the first member states of the Council of Europe and the European Union to do so. This Convention is targeted on zero tolerance for violence against women and domestic violence. It is the first comprehensive and precise, legally binding instrument on the European level for preventing and combating violence against women and domestic violence. The Convention foresees the establishment of an international group of independent experts (GREVIO) who will monitor its implementation at national levels. The Ministry of Justice of Slovakia is finishing its analysis of this Convention and upon its completion it will adopt the necessary legislative measures within its subject-matter competence to ensure the implementation of this Convention.

407. New criminal codices were passed with effect as of 1 January 2006 (Criminal Code and Rules of Criminal Procedures) within the framework of the successful completion of the re-codification of the criminal code in Slovakia. The Criminal Code[54] stipulates criminal sanctions for acting which causes violations to respecting human rights and basic freedoms based on discrimination or hatred based on race, skin colour, national and ethnic origin or other reasons including disability.

408. Protected persons is defined in § 139 of the general section of the Criminal Code as children, pregnant women, close persons, dependent persons, older persons, sick persons, persons under protection pursuant to international law, public officials and person complying with his/her obligations imposed by the law, or witnesses, experts, interpreters and translators. Pursuant to the provision of § 127, Paragraph 6, of the Criminal Code, a person with a physical or mental illness, although temporary, regardless of whether this person is temporarily unable to work or is a person with a changed ability to work, a person with a disability or a person with severe disability or intense illness or disability, who suffers aggravated bodily harm is understood as a sick person for the purposes of this law. In compliance with the provision of § 127 Paragraph, 6 of Criminal Code a person, who with respect to his/her age, state of health, the circumstances of the act or the party of perpetrator, had no chance to protect him/herself from the assault is understood as a defenceless person, pursuant to this law.

409. Individual illegal actions are declared as criminal (criminalized) and sanctioned under a special section of the Criminal Code. Qualified facts of crime enable the imposition of a higher punishment in comparison with the basic qualified facts of a crime committed against a protected person, including a crime against a sick or defenceless person.

410. The Government of Slovakia approved the National Strategy for Preventing and Eliminating Violence against Women and in Families[11] and the National Action Plan for Preventing and Eliminating Violence against Women for the Period of 2009-2012.[12] In 2011, the Government of Slovakia discussed and approved the Interim Report on the Implementation of the National Action Plan for Preventing and Eliminating Violence against Women for the Period of 2009-2012 and an update of the tasks. In 2011, preparations for the national project under the operational programme Employment and

Social Inclusion, Support of Prevention and Elimination of Violence on Women were under way.

411. Within the framework of protection of women against violence and other discrimination, the Ministry of Labour, Social Affairs and Family of Slovakia put through a new priority in the new programming period of the European Fund for the Integration of Third Countries National for 2012 – the prevention of violence against women – migrants – by means of what a new space is opening in Slovakia for a completely new dimension of research on the integration and assistance to women living in Slovakia.

Article 7 – Children with disabilities

412. In Slovakia, the underlying baselines in the protection of children's rights are primarily drawn from the provisions of the Convention on the Rights of the Child and its Optional Protocols, also reflecting specific recommendations of the United Nations Committee on the Rights of the Child and the second periodical report of Slovakia on the implementation of the Convention on the Rights of the Child.

413. In February 2012, Slovakia signed the Optional Protocol to the Convention on the Rights of the Child on a communications procedure. The Optional Protocol is the first international agreement in the field of human rights, whose preparation was led by Slovakia. Upon its assumption of the initiative in 2009, Slovakia coordinated the submission of three resolutions of the United Nations Human Rights Council regarding the Optional Protocol and the resolution of its approval at the General Assembly of the United Nations was also submitted under the leadership of Slovakia. Slovakia also fulfilled the role of coordinator of the core group supporting adoption of the Optional Protocol.

414. The Constitution of Slovakia guarantees the special protection of children and adolescents in Article 41, Paragraph 1. All fundamental rights that are acknowledged in Article 41 of the Constitution may only be claimed within the limits of laws which execute this provision (Act on Family in particular).

415. Pursuant to § 43, Paragraph 1 of the Family Act, a minor child, who is able to express his/her opinion independently with respect to his/her age and mental maturity, has the right to express it freely in all matters related to him/her. In proceedings in which matters related to minor children are being decided, the minor has the right to be heard. Proper attention adequate to the child's age and mental maturity must be paid to the opinion of the minor. In the provision of § 100, Paragraph 3 of the Rules of Civil Procedure, it is stipulated that if a minor, who is able to express his/her independent opinion with respect to his/her age and mental maturity, is a participant in the proceedings, the court will take his/her opinion into consideration. The court shall determine the opinion of the minor through his/her representative or relevant organ of social and legal protection of children and social guardianship or by hearing the minor even without the presence of parents or other persons responsible for upbringing of the minor.

416. The court's care for minors, adoption proceedings and proceedings on the possibility of adoption are specially regulated in Title five, Part three of the Rules of Civil Procedure. During these proceedings, the court acts in cooperation with all of the participants to ensure the fast and effective protection of rights. In matters related to the court's care for minors, it begins to conduct acts for conducting evidence proceedings without delay upon the beginning of the proceedings. In designing the timetables for court sessions, cases regarding the care for minors are classified as cases with special speed of proceedings in compliance with the requirements contained in the judicature of the European Court of Human Rights. The amendment of the Regulation of the Ministry of Justice of Slovakia on Administrative and Office Rules of Procedure for district and regional courts, Special

Courts and Military Courts (September 2011) extended the current specializations (court registers) by the group of all family legal cases. It sub-summarizes all litigation which is adjudicated according to the Family Act. This change created space to allow judges to specialise on the children's agenda, which requires psychological as well as legal knowledge.

417. The Amendment to the Rules of Civil Procedure (January 2012) the tools for making the proceedings related to children more flexible, were strengthened as a result of which the protection of children's interests was also increased. Courts may impose a preliminary ruling even in the case of placing a child under an alternating parental plan – alternating personal care provided by the mother and father. In the cases of the court's care for minors with a foreign element, the period was established *expressis verbis* within which the court should adjudicate the case, namely within three months from the first day of the proceedings. In the cases of designating the name or surname for minors and in the proceedings on establishing guardians, the court should adjudicate the case within 30 days from the beginning of the proceedings. The purpose of the new provision of § 179a is to help a parent which, based on the Convention on the Civil Aspects of International Child Abduction, requests the return of a child from abroad. The legislation is aimed at accelerating decisions which could be used in proceedings abroad as evidence of the existence of parental rights and obligations and their violation.

418. In the sector of criminal law, the Ministry of Justice of Slovakia as the central authority of state administration for legislation in the area of criminal law, adopted necessary legislative measures in compliance with the recommendations of international bodies and organizations of the United Nations system and from the Council of Europe for the protection of the rights of the child, including children with disabilities. For the purposes of the Criminal Code, a person under the age of eighteen is understood as a child, unless under the law applicable to the child, majority is attained earlier (§ 127, Paragraph 1). Pursuant to § 139, Paragraph 1, letter b) a child is considered as a protected person. The Criminal Code establishes the qualified facts of the criminal act of human trafficking (§ 179) and trafficking in children (§ 180 a § 181), as well as other related qualified facts of crime in relation to children. A separate provision of § 209, Paragraph 1 of the Criminal Code makes direct mention of disabilities in the basic facts of crime.

419. Pursuant to the Act on the Social and Legal Protection of Children and Social Guardianship,[81] every child has the right to request assistance, even without the knowledge of the parents or persons responsible for his/her upbringing, from organs of the social and legal protection of children and social guardianship, the municipality, the upper-tier territorial unit or accredited subject, with the aim to protect the interests of the child and even beyond the framework of the subjects conducting measures pursuant to the Act on Social and Legal Protection and Social Guardianship. Everyone is also obliged to notify organs of social and legal protection of children and social guardianship of any violation of the rights of the child.

420. While performing the measures pursuant to the Act on Social and Legal Protection and Social Guardianship, organs of the social and legal protection of children and social guardianship proceed in compliance with the valid national legal regulations and international agreements in the field of the protection of the rights of the child. Organs of the social and legal protection of children and social guardianship determine the opinion of the minor child with respect to his/her age and mental maturity and present it when representing the child in proceedings before the court. Departments of psychological consultancy services form parts of the bodies of the social and legal protection of children and social guardianship. Statistical findings of children's opinions have been introduced by experts (regular cases are not monitored statistically) since 2009.

421. A children's care home is a facility for carrying out institutional care, preliminary rulings and protective rehabilitation in the home environment of an employee of a children's care home – in a professional family, in independent diagnostic groups which carry out expert diagnoses, in separate groups or specialized groups, for children with mental disorders, the mentally disabled, the physically disabled, the sensually disabled, children with a combination of disabilities and children whose state of health requires special care exclusively in in-patient form. In the interest of achieving the highest possible integration of children and maximizing the objectivity of the diagnostic conclusions of the children's care home in which the child must be provided care within a specialized separate group due to his/her state of health (small children who by law should be placed in professional families, children who should be placed in specialized groups for children with mental disorders and children, who due to their state of health are exclusively dependant on in-patient care) a legal mechanism for the verification of the children's home care decision by a medical adviser who is not an employee of the related children's care home has been introduced. The aim is to ensure that care in specialized groups is provided exclusively for those children whose state of health requires constant medical supervision and adjusted conditions which cannot be ensured in a regular independent group. The organs of the social and legal protection of children and social guardianship ensure and create conditions (from January 2009) for accepting all children with disabilities for ordered institutional care in facilities of the social and legal protection of children and social guardianship.

422. Integration and the individual approach is the underlying baseline for working with children. This pertains to creating conditions for the integration of children in local communities – professional families and suitably arranged and localized groups in terms at the level of community. The integration approach enables the qualified provision of care for children (cyclical professional education and supervision) and strengthens the possibility for individual approaches to children with specific needs. If the child's state of health or the reason for which the child was placed in a children's care home so requires, the children's care home will create conditions for founding a school for the purposes of complying with compulsory school attendance requirements and in preparation for an occupation or it will create conditions for the individual education of the child.

423. The National Action Plan for Children for the Period of 2009-2012[15] represents a comprehensive programme document of the Slovak Government, which in terms of Slovakia , defines society's commitments in relation to the rights of the child, including children with disabilities. The National Action Plan for Children pays special attention to children with disabilities not only by formulating tasks targeted specifically on children with disabilities, but also by setting profile tasks reflecting a non-discriminatory approach in implementing the rights of the child. Deadlines for implementation, responsibility and ensuring of funding for the implementation of the task are part of every task. If the nature of a task allows or requires, the method of implementing is also indicated. Bearers of tasks are also responsible for monitoring the efficiency and evaluation of the given task, including the presentation of actual outcomes or indicators of implementation in terms of the task's goal. The permanent expert body of the Council of the Government for Human Rights, National Minorities and Gender Equality – the Committee for Children and Youth People, is responsible for the design, updating and reporting of statements regarding the implementation of the tasks of the National Action Plan for Children.

424. By the end of 2011, the Committee for Children and Youth People, whose members should include children and young people with disabilities, initiated the establishment of an expert working group for designing the mechanism for the participation of children and young people in designing the policies and monitoring the application of the rights of the child. The Committee drew support for the introduction of a participative model at the level of advisory government body from the outcomes of the project Policy Review on Child and Youth Participation in the Slovak Republic implemented in 2011 through the methodology

of the Council of Europe, which was also taking the application of the rights of the child from the perspective of children with disabilities into consideration. A control group of six children, in which children with disabilities also had (targeted) representation, was a part of this evaluation process.

425. The Slovak Government adopted a complex of measures entitled "The National Programme for the Development of Living Conditions for Citizens with Disabilities in All Areas of Life." The National programme is a system step towards creating the process of the gradual and conceptual solution of several problems of life of persons, and thus also of children with disabilities, including creating the conditions for the prevention of disabilities, early diagnoses and therapy, registration and adequate inclusion in social and working life. Its aim is to create equal opportunities and the integration of persons including children with disabilities in the life of society. A new programme document is being prepared with the title "National Programme for the Development of Living Conditions of Disabled Persons." Its subject-matter areas should be primarily based on the structure of the areas in the United Nations Convention on the Rights of Persons with Disabilities.

426. The Ministry of Health of Slovakia also supports the rights of all groups of children including the children with disabilities by implementing the National Programme of the Care for Children for the Period of 2008-2015,[190] which was approved by the Slovak Government in 2008. This programme is targeted on the prevention, subsequent medical care and coordination of activities and services in relation to improving the health of children and adolescents. The tasks of this programme include the improvement of the quality of healthcare and prevention for children and adolescents; they cover the areas of the prenatal, perinatal and postnatal periods by supporting the health of expecting women and by implementing the recommendations of the WHO Mother and Baby Friendly Hospital Initiative in healthcare facilities, the early screening of developmental defects and the monitoring of the pathological development of children and adolescents. The Ministry of Health of Slovakia bases the designing of the tasks on the fact that more attention must be paid to the issues of children's and adolescents' disabilities in the National Programme of Care of Children and Adolescents for the Period of 2008-2015.

427. The upbringing and education of children with disabilities and pupils/students with disabilities is conducted in compliance with the Act[191] on Upbringing and Education. Education at special elementary schools is ensured for children at establishments of social services (SSE) during the academic year. Education through the individual instruction of special pedagogues which visit ESS is ensured for children who can not attend school.

V. Specific rights under the Convention

Article 31 – Statistics and data collection

428. The system of subject-matter and institutionally coordinated research targeted at issues related to disabilities and the life of persons with disabilities and their families is non-existent in Slovakia. Rather, it pertains to individual research initiatives of various institutions, which can be divided into several groups:

[190] http://www2.health.gov.sk/redsys/rsi.nsf/0/AD11FFDDE529B486C125758500321408?OpenDocument Slovak Government Resolution No. 192 of 26 March 2008.

[191] Act No. 245/2008 Coll. on Upbringing and Education (School Act) and on amendments and supplements to certain Acts as amended.

- Sector research of disabilities (it pertains to research projects of various subjects the themes of which are connected to selected topical issues addressed within the competence of individual ministries, such as the Ministry of Labour, Social Affairs and Family, the Ministry of Education, Science, Research and Sports, Ministry of Culture, etc.);
- Research of disabilities conducted by universities and the Slovak Academy of Sciences (SAS) (this pertains to various research projects implemented with the support of national (such as VEGA) and international grant schemes);
- Research implemented by independent organizations and the civil sector (for example IVO, SOCIA, National Council of Citizens with Disability in Slovakia).

429. To date, the research has primarily been funded from the budget of the Ministry of Labour, Social Affairs and Family and in the form of institutional subsidies. The Institute for Labour and Family Research, as a scientific and research institution within the founder's competence of the Ministry of Labour, Social Affairs and Family of Slovakia (MoLSAF Slovakia) has implemented several research projects within contracts with the MoLSAF Slovakia and other grant schemes in the period of 2008-2012.[192]

430. The Institute for Labour and Family Research also intensively cooperated with civil society representatives, particularly the National Council of Citizens with Disability in the Slovakia. The cooperation involved various forms from interaction regarding planned project research activities, through consulting preparation for field examinations, up to the involvement of representatives of non-governmental organizations in implementing research projects in the form of direct membership in project teams or their advisory bodies.

431. Individual research projects in the monitored period served as the material for the preparation of national legislation in the area of social services, financial contributions for compensations and the support of the independent life and employment of the disabled. Within the project INTERLINKS in particular, the research work was accompanied by a massive popularization campaign regarding building capacities for the long-term care for dependant persons within the public and private sectors.

432. The Statistical Office of Slovakia does not particularly monitor data on the disabled, according to gender, age, education or individual type of disability (physical, sight, hearing, mental, internal) or the reason for the occurrence of this disability, data on the level of independence, economic activities or facts on whether these persons live in a home environment or an institutional care facility. Within its social protection statistics (ESSPROS methodology – European System of Integrated Social Protection Statistics), it has data on the number of recipients of disability pensions and disability pension from a young age and data on expenditures for social benefits in the purpose "disability".

433. In 2009, the Statistical Office of Slovakia conducted a pilot project funded by the European Union; the aim of this project was the preparation and testing of the Slovak version of the European Disability and Social Integration Module (EDSIM). The project outputs were provided to Eurostat, which in the summer of 2011 published a public tender for the implementation of this finding under a new title EHSIS (European Health and Social Integration Survey). In autumn 2012, in addition to learning about basic social and personal characteristics, its research was related to long-term health limitations and problems, mobility and the possibility of the transportation of persons with disabilities, the accessibility of buildings, means of transportation, education, employment, use of internet,

[192] More detailed information regarding individual research projects are presented at the website of the Institute for Labour and Family Research: www.ivpr.gov.sk

social contacts, economic conditions of life and leisure time in. The costs for this research will be covered by the European Union. The number of working persons with disabilities is monitored by the Statistical Office of Slovakia in two areas within the labour market statistics:

- Labour force survey including gender breakdown;
- In quarterly corporate reporting for the purposes of implementing the task regarding measure 7.3.3. in Slovak Government Resolution No. 932 of 8 November 2006, where neither gender nor age breakdown is required.

434. The Statistical Office of Slovakia regularly submits to the MoLSAF Slovakia (Committee for Persons with Disabilities) summary information regarding the number of employed persons with disabilities who are acknowledged as citizens with disabilities pursuant to the Act on Social Insurance[3] in the breakdown of employees whose ability to perform gainful activity has been reduced by more than 40%, but less than 70% (D I) and employees whose capacity to perform gainful activity has been reduced by more than 70% (D II) due to a long-term unfavourable state of health, according to districts. Furthermore, their share with regard to the provision of § 63 of the Act on Employment Services is also evaluated as at 31 December of the given year. Information is always submitted as at 31 March of the following year. The Statistical Office of Slovakia annually publishes these data together with other data in the publication entitled Employees and Average Monthly Salaries, which can be downloaded for free at the office website.

435. Summary information on the number of employed persons with disabilities who are acknowledged as persons with disabilities is provided separately pursuant to the Act on Social Insurance in the organs of state administration and local self-government.

436. The Ministry of Labour, Social Affairs and Family of Slovakia uses the ISOP ministerial information system for the disbursement of social benefits; this system is administered by the Central Office of Labour, Social Affairs and Family. This information system collects data regarding the extent of the functional disorder of persons with disabilities, the subsequent provision of financial contributions to compensate for the social consequences of severe disabilities, severe disability cards and parking cards. Data on the recipients of financial contributions, such as the amount of contributions, age, gender, territorial segmentation, etc. are monitored. Disabilities are also monitored through the provision of material need benefits, since it is one of the criteria for the entitlement to protective contribution within assistance in material need (the decline by more than 70% in the ability to perform a gainful activity). The provision of parental allowances for children from 3 to 6 years of age with a long-term unfavourable state of health is also registered. Regular statistics of disbursed social benefits, including the aforementioned data, are provided in regular monthly reports.

437. The national project entitled "Electronic Services of the Ministry of Labour, Social Affairs and Family of Slovakia in the Sector of the Performance of the Administration of State Social Benefits, Social Assistance and Assistance in Material Need" was defined under the Operational Programme Informatization of Society. The primary objective of this national project is to simplify the application process for social benefits for citizens. A new comprehensive integrated information system of social benefits management (hereinafter referred to as the "SBM IS") should be created for implementing this objective; it will replace the current ISOP information system for the disbursement of social benefits. Under the SBM IS project, the SBM MIS managerial super-structure will be designed, implemented and launched in operation as one of three modules that will serve for the needs of operative reporting and ad-hoc analyses.

438. In compliance with Act on Courts, the Ministry of Justice of Slovakia monitors and evaluates the state of the judicial agenda based on reports and justice statistics; it also

ensures the coordination of the processing the state statistics, judicial statistics and reporting processed in information systems. Ministry of Justice Regulation No. 31/2005 of 20 December 2005 on judicial statistics is the internal managing act regulating the performance of judicial statistics.

439. The Ministry of Health of Slovakia monitors the state of health of the population while collecting and processing medical information and closely cooperates with the National Health Information Centre.[193] It has partial information on persons with disabilities which can be obtained from annual reports of activities of individual out-patient wards (dialectological, wards of pneumology and phthisiology, psychiatric wards, GP for children and adolescents, ophthalmology and neurology wards). This data are evaluated quarterly.

Article 32 – International cooperation

440. The promotion of human rights and assistance to persons with disabilities forms an integral part of the official development assistance strategy (ODA Slovakia).

441. In 2010, the civil association project BOVAP "Improvement of working conditions for the disabled" was completed with the help of ODA funds in the D.P. DES production enterprise in Novi Sad in Serbia. The project was targeted on the reconstruction and modernization of the production halls of this enterprise which focuses on professional rehabilitation, preparation for work and the employment of persons with disabilities and individuals with hearing disabilities. The enterprise implements production in the areas of processing metal, wood, textile and advertisement materials.

442. In 2009, the ADRA civil association project aimed at the reconstruction of the rehabilitation centre for children with disabilities and their parents (combined physical and mental disabilities and hearing and sight impaired children) was supported from the Slovak ODA in Ulaanbaatar, Mongolia. The aim of the project, which was completed in 2011, was to improve the quality of services and to ensure a basic level of security and barrier-free access in the centre. Awareness raising activities towards the population in the vicinity of the enterprise regarding families of children with disabilities and a better understanding of their needs were also part of the project.

443. In 2010, the Slovak Republic through ODA funding supported the project entitled "Solar energy for disabled children in Serbia" carried out by the Thermosolar Žiar company. It was oriented on the installation of solar thermal technology in several establishments for the care for mentally disabled children and young people (Dom za decu i lica ometena u razvoju "DR NIKOLA ŠUMENKOVIĆ", Stamnica Dom za decu "KOLEVKA", Subotica Decji dom "MLADOST" Kragujevac, Centar za baznu rehabilitaciju, Kosovska Mitrovica).

444. The project of the non-profit organization, National Centre for Equality of Opportunities, entitled "Equal Working Opportunities and Living for Bosnians, Serbs and Croats Disabled by the Explosion of Landmines – FRUIT NOT MINES" was also supported from the Slovak ODA in 2010. The aim of this project in Bosnia and Herzegovina was to provide work opportunities and to increase the ability of people disabled due to landmine accidents to contribute to the process of their self-employment in ecological agricultural production and thus to increase the quality of their lives. This project also deepens the integration of all nations – Croats, Serbs, and Bosnians.

[193] http://www.nczisk.sk/Pages/default.aspx

Article 33 – National implementation and monitoring

445. Several working meetings took place with the aim to design possible solutions for the implementation and monitoring of the United Nations Convention on the Rights of Persons with Disabilities at the national level. They included a meeting of the representatives of the Ministry of Labour, Social Affairs and Family and the Ministry of Foreign Affairs (March 2011), a round table discussion organized by the Slovak National Disabled Citizens Council at the MoLSAF Slovakia with the presence of a foreign representative of the United Nations Committee on the Rights of Persons with Disabilities and the director of the European Disability Forum (March 2011), a working meeting of representatives of the MoLSAF Slovakia and the section of human rights and equal treatment of the Government Office of Slovakia (July 2011).

446. The task of the Slovak Government is also to establish an independent mechanism for promoting, protecting and monitoring the implementation of the United Nations Convention on the Rights of Persons with Disabilities. To date, no independent mechanism has been created in Slovakia. The Slovak National Human Rights Centre, as the National Human Rights Institution on the grounds of the United Nations, manifested serious interest in becoming an independent mechanism for promoting, protecting and monitoring implementation of the Convention on the Rights of Persons with Disabilities pursuant to the provision of its Article 33, Paragraph 2. The Centre undertakes to elaborate regular reports for its colleagues in the United Nations on the adherence to the rights of persons with disabilities in the Slovak Republic. The Centre will independently elaborate these reports on state power and subsequently discuss them at the United Nations. The Centre considers it as its honour and a matter of professional prestige to conduct such mandate in favour of persons with disabilities and therefore it has adjusted its internal potential to this mission.

447. In relation to implementation of Article 33, Paragraph 1 of the Convention on the Rights of Persons with Disabilities, the Committee for Persons with Disabilities[194] called upon the Government of the Slovak Republic to adopt steps towards implementation. It also recommended that the Government dedicate a one-day thematic session to the Convention on the Rights of Persons with Disabilities.[195]

448. In its standpoint No. 1 of 20 February 2012,[196] the Council of the Slovak Government for Human Rights, National Minorities and Gender Equality recommended that the Slovak Government adopt an amendment to the competence Act related to the establishment of a contact point for issues related to the implementation of the Convention and to create adequate organizational, technical and financial conditions for creating a contact point and launching it into operation. It also recommended that it adopt a resolution within whose framework the Council of the Slovak Government for Human Rights, National Minorities and Gender Equality would be designated as a coordination mechanism.

449. As a result of the early parliamentary elections, the questions related to establishing a contact point, coordination mechanism and independent mechanism have not yet been resolved. Despite this fact and with regard to Point D. 3 of Slovak Government Resolution No. 117 of 10 February 2010, the Ministry of Labour, Social Affairs and Family of the Slovak Republic collected and processed all of the materials for the comprehensive national report regarding the measures adopted for the purpose of implementing commitments

[194] Resolution of the Committee for Persons with Disabilities No. 10 of 10 November 2011.
[195] Resolution of the Committee for Persons with Disabilities No. 13 of 10 November 2011.
[196] Standpoint of the Council of the Slovak Government for Human Rights, National Minorities and Gender Equality No. 1 of 20 February 2012.

arising from the United Nations Convention on the Rights of Persons with Disabilities and on the progress of the Slovak Republic in this respect.

450. The establishment of a special working group to prepare a needs analysis of organizations representing the interests of persons with disabilities in terms of existential and efficient activities was a step towards creating conditions for non-governmental organizations to carry out their activities not only on the basis of voluntary work, but also systematically and with certain professional backup.[197] The outcomes of its work are expected in the middle of 2012.

451. The Government Office of Slovakia supported the Slovak National Disabled Persons Council (hereinafter referred to as the "SNDPC") by providing a subsidy in the amount of 13,000 Euro (2010-2011) for creating conditions and instruments for the enhancement of the level of defence and the application of the rights of persons with disabilities guaranteed by the Convention. The aim of the supported activities was to ensure the efficient participation of the SNDPC – a representative organization of persons with disabilities in promoting, protecting and monitoring implementation of the Convention. Their participation in implementing and monitoring Convention implementation, including the training of membership organizations of the SNDPC with a focus on the provision of support in implementing the rights of the persons with disabilities guaranteed by the Convention and ensuring efficient cooperation with the state administration was ensured. The analysis of the needs of persons with the main types of disabilities in terms of their rights guaranteed by th Convention was conducted.

452. A purpose-targeted subsidy for the period of 20112012 in the amount of 36,801 Euro was again provided to the SNDPC for promoting the conditions of participation of citizens with disabilities in the monitoring of the Convention. The aim of this support was to create better conditions for the participation of these organizations in monitoring the Convention, to create a platform for dialogue between the representatives of the civil society and experts on one hand and representatives of state administration on the other in the spirit of the motto "Nothing about us without us".

---

[197] Decision No. 1 of 30 September 2011 of the chair of the Council for Disabled Persons on founding the working group for preparing analyses of the needs of organizations representing the interests of persons with disabilities in terms of existence and efficient activities.